



Scott A. Mann
Mayor

John V. Denver
Mayor Pro Tem
District 4

Greg August
Councilmember
District 1

Matthew Liesemeyer
Councilmember
District 2

Vacant
Councilmember
District 3

October 8, 2015

John Earle Hildebrand III, Senior Project Associate
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

RE: General Plan Amendment No. 921

Dear Mr. Hildebrand III

Thank you for notifying the City regarding General Plan Amendment No. 921 and sending the Mitigated Negative Declaration (MND). The Community Development Department has reviewed the proposal and MND and is concerned with the General Plan Amendment request due to its apparent incompatibility with the existing rural residential uses located to the west of the project site in the City of Menifee and located north, south and east of the project site in the County of Riverside and its potential impacts on the environment, a number of which appear to be completely ignored by the MND.

The General Plan Amendment would allow for the development of two (2) to five (5) dwelling units per acre, whereas the existing rural residential lots to the north and southwest of the project site within the City of Menifee are designated for two (2) acre minimum lot sizes and properties surrounding the site within the County of Riverside are also designated for two (2) acre minimum lot sizes. These residential uses comprise a well-established rural area of our community, the residents of which have consistently voiced the desire to remain rural and maintain large lot sizes. The existing land use designation of the project site, Rural Community: Estate Density Residential (RC: EDR) (two [2] acre minimum), is compatible and consistent with the existing properties surrounding the site, including those within our City. The Riverside County General Plan encourages protection of existing rural communities, such as the area encompassing the project site.

The Riverside County General Plan includes this project area within the "Estate Density Residential and Rural Residential Area East of Interstate 215" Policy Area. The Policy Area includes Policy SCMVAP 6.1 which states that "residential development in this area [i.e., the Policy Area] shall retain its existing estate density and rural character." It further requires that until the strong support for the preservation of the rural character of this area changes significantly, growth and development should be focused elsewhere. It is the City's belief that there is still strong support for the rural lifestyle in this area. If the community still supports preserving the rural character in this area, then a General Plan Amendment to

29714 Haun Road
Menifee, CA 92586
Phone 951.672.6777
Fax 951.679.3843
www.cityofmenifee.us

increase density and encourage non-rural development would be inconsistent with the County's General Plan policy noted above.

The initial study for the project indicates that an indicator of support in the change in land use is the submittal of various other general plan amendment applications in the vicinity of the site; however, there only appear to be three amendment applications that are in process. Two additional amendments are referenced in the MND, but they have been withdrawn and one of those referenced amendments refers to GPA No. 921, which is the current application. Amendment applications that have been withdrawn should not be cited as evidence that the area is ready for change. In regards to the three in process applications for amendments, it appears that there are two owners for two applications, but the third application may be multiple owners. The argument is unsubstantiated that there is "strong" support from property owners for a change in land use based on the applications in process. It appears that the number of property owners processing applications for amendments is less than a majority of property owners in the policy area.

The City is also concerned because we believe the MND fails to adequately address air quality, greenhouse gas, traffic, land use/planning, growth inducement and cumulative impacts. As the County is no doubt aware, in the event that there is a fair argument, supported by substantial evidence, that the General Plan Amendment No. 921 may result in significant impacts, the County is required to prepare an environmental impact report (EIR). (See, e.g., *City of Arcadia v. State Water Resources Control Bd.* (2006) 135 Cal.App.4th 1392.) This is a relatively low threshold, as CEQA encourages the preparation of EIRs. A mitigated negative declaration is permitted only if the initial study identified potential significant effects on the environment but revisions in the project plans would avoid or mitigate the effects to a point where "**clearly** no significant effect on the environment would occur" and there is **no** substantial evidence that the project as revised may have a significant effect on the environment. (*Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal. App. 4th 714, 730 [emphasis added].) Under this standard, the lead agency is prohibited from weighing evidence, and if **any** substantial evidence is presented that a significant impact may occur, an EIR must be prepared. (*Friends of 'B' Street v. City of Hayward* (1980) 106 Cal.App.3d 998.)

The proposed land use designation change drastically increases the maximum allowable dwelling units that could be allowed on the project site from 15 to 272 (if using about 3.5 du/acre) and based on cumulative total for all the active general plan applications in the area (as referenced in the MND), would increase the number of dwelling units from 186 units to 2,376 (if using about 3.5 du/acre). Although there is no development proposal associated with the GPA Amendment No. 921, the increase in density allowed under the application and cumulative applications needs to be analyzed, even within a "programmatic level CEQA analysis." In other words, even a so-called "first tier" or "programmatic" CEQA document must analyze all *known* impacts, or those that are "reasonably feasible" to analyze. (*In re Bay-Delta* (2008) 43 Cal. 4th 1143, 1175.) Here, the increase from 186 to 2,376 maximum allowable residential units on the project site is known – therefore, the impacts of that change must be fully analyzed. It also bears noting that it is unusual for an MND, not an EIR, to serve as a "programmatic" CEQA document.

With regard to specific potential impacts, first, no air quality or greenhouse gas analysis or technical study has been completed to analyze the impacts of the significant change to the maximum allowable units in the residential area. Considering the biggest driver of air quality impacts is typically increased traffic, and the MND identifies a potentially significant impact resulting from increased traffic, there is a fair argument that the project may result in significant air quality impacts. (See, *Keep Our Mountains Quiet*, 236 Cal. App. 4th at 730 [substantial evidence that supports a fair argument that a project may result in an impact includes "reasonable assumptions predicated upon facts"].) At a minimum, the City requests that the County undertake an air quality technical study in connection with a revised MND, if not an EIR.

Second, City staff does not believe that the analysis in the MND's Land Use/Planning section adequately shows that impacts are less than significant with regard to a substantial alteration of the present or planned land use of the area or in regards to the project's affect to land use adjacent to city boundaries. As mentioned above, the proposed amendment is inconsistent with surrounding land uses and with the Estate Density Residential and Rural Residential Policy Area. The MND specifically states, "The project site is located in close proximity to the City of Menifee.....; however, the project site is not located within a designated sphere of influence for either City. As a result, there will be no impacts." The fact that the project site is not within the City of Menifee's Sphere of Influence does not mean that there is no impact to land uses adjacent to city boundaries. The specific question on the CEQA Initial Study Checklist requires the reviewer to analyze impacts to property that is also adjacent to city boundaries, not just property within a city sphere of influence. A MND is invalid if it artificially limits the impact area. (*County Sanitation District No. 2 v. County of Kern* (2005) 127 Cal.App.4th 1544, 1581.). Therefore, the MND does not adequately show that there is no impact to land uses in the City of Menifee adjacent to the project site, and instead, substantial evidence supports a fair argument that significant impacts may occur. City staff believes that the proposed amendment will cause impacts to rural land uses adjacent to the site to the northwest and southwest in the City of Menifee. Medium Density Residential is not a compatible land use adjacent to rural residential uses without significant buffering, primarily due to animal keeping and agricultural activities which occur on rural lots. Menifee residents in the area to the north and southwest of the project site have expressed a desire to maintain their rural lifestyle and view the Medium Density Residential land use designation as an encroachment of incompatible uses into their rural way of life.

Third, under the Population and Housing section of the MND, there is no analysis regarding the exceedance of official regional or local population projects or the inducement of substantial population growth in the area. As noted above, the general plan amendments would substantially increase the number of dwelling units that could be allowed within the property from 15 to 272 and in the area from 186 to 2,376, thereby causing a significant increase in population. The MND is silent on how the proposed amendment, and other amendments in process in the area, impact SCAG population projects which are used for regional transportation planning. The MND checks the box that the impact to growth in the area is "Less than Significant", but gives no analysis of how this impact is actually deemed to be "Less than Significant." Based on City staff review, there is substantial evidence supporting a fair argument that this impact may be potentially significant.

Fourth, a traffic study has not been completed to show that the change in land uses will not result in a need for increased roadway capacity or changes in the roadway classifications from what is identified in the County General Plan Circulation Element or City of Menifee Circulation Element. The City is concerned that the increase in density to the properties east of the City will increase traffic and vehicle trips in the City and may require additional lanes and signals not currently contemplated in both the County and City Circulation Elements. Impacts to Scott Road and the Scott Road/I-215 Interchange were not analyzed in the MND, but must be addressed. While the MND does identify a potentially significant impact from increased traffic, the MND concludes that this potentially significant impact will be reduced to a less than significant level by virtue of mitigation requiring participation in a County fee program. However, a future applicant's mere participation in a fee program and payment of its fair share amount to fund future improvements does not actually ensure that those future improvements will be constructed before the project's impacts occur, particularly considering that some of required improvements may be outside the County's jurisdiction (e.g., the relevant right of way may be owned by a city or Caltrans) and therefore outside of the lead agency's control. Accordingly, the MND cannot conclude that all impacts will be mitigated to a less than significant impact, and an EIR must be prepared.

Finally, the MND does not include an analysis of cumulative impacts (Question #51 in the MND), although the Land Use/Planning section justifies no impacts to a "substantial alteration of the present or planned land use of an area" by referring to other applications in process in the vicinity. (See also, CEQA Guidelines § 15064(h)(1); *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1996) 42 Cal.App.4th 608, 622-23.)

For all the reasons discussed above, the MND completely ignores a number of potentially significant impacts, which must be analyzed in an EIR. Moreover, the City of Menifee's Community Development Department is opposed to any project that would result in the development of an incompatible land use adjacent to the existing rural residential properties. In our opinion, in addition to resulting in a number of significant impacts on the environment, the approval of the proposed amendment would not be consistent with the Riverside County General Plan.

Thank you again for the opportunity to provide comments. We formally request to receive any hearing notice regarding this project. Notices can be sent to my attention at 29714 Haun Road, Menifee, CA 92586.

Sincerely,



Lisa Gordon
Community Development Department

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



October 8, 2015

VIA ELECTRONIC MAIL

Planning Commission
Riverside County
4080 Lemon St
Riverside CA 92501

**RE: Items 4.1 (GPA 921), 4.2 (GPA 948), and 4.3 (GPA 998);
Hearing Date: October 21, 2015**

Dear Chair and Members of the Commission:

Endangered Habitats League (EHL) appreciates the opportunity to comment on three items before you. For your reference, EHL served on the advisory committees for all three components of the Riverside County Integrated Project.

Item 4.1, GPA 921 (Menifee Valley/Sun City)

Recommend denial of GPA. This 78-acre Rural property is in an area previously identified in the General Plan for its rural character and it may function as a “community separator.” No significant new circumstances justify a foundation change to Community Development. *Indeed, with the incorporation of Menifee, any urbanization should proceed over time through an orderly process of annexation rather than through piecemeal tract maps in the unincorporated area.* No absorption analysis has demonstrated the need for more urban-designated land in the region, and even if so, there is no indication that this site is optimal from a greenhouse gas or planning perspective.

Item 4.2, GPA 948 (Cherry Valley)

No position. However, staff’s original recommendation was to *deny* initiation due to no changed circumstances, lack of need for additional commercial, and conflicts with community character.

Item 4.3, GPA 998 (French Valley)

Recommend denial of GPA. This 160-acre site and its surrounding area serve as a “Community Separator” for the City of Menifee to the west. GPA 998 would induce successive neighboring Foundation changes from Rural to Community Development *despite the complete absence of an absorption study showing that any additional urban land is actually needed.* Rather, the County should direct growth to the municipalities and an orderly process of annexation rather than approve piecemeal tract maps that are the epitome of suburban sprawl. We acknowledge the preliminary analysis of MSHCP

Criteria Cells, but internal density transfer at the *current* density would also serve the MSHCP.

It is mystifying why staff has *reversed* its previous recommendation to the Planning Commission for *denial* of this project. Staff previously stated that:

The subject site is located in the "French Valley" community within the Southwest Area Plan. The site is also located within the City of Murrieta's Sphere of Influence. The Rural: Rural Residential designation currently surrounds the site in all directions. The proposal would be inconsistent with the existing land use pattern in the area. Staff recognizes that there are multiple General Plan Foundation Amendment applications proposing Community Development land use designations in the immediate area of the site; however, there is currently no way of telling whether or not those cases will ultimately be approved.

The site has been identified as being a part of Cell Group "U" under the County's "Multiple Species Habitat Conservation Plan (MSHCP)." Cell group "U" will contribute to the assembly of Proposed Constrained Linkage 17. Conservation within this Cell Group will range from 65%-75% of the Cell Group with the majority of the conservation occurring within the eastern portion of the Cell Group. Increasing the intensity of the site may potentially conflict with the goal of the MSHCP and could create inconsistencies amongst the Land Use Element and the Multi-Purpose Open Space Element of the General Plan.

The topography of the southern portion of the site is a concern as well. Slopes in the southern portion of the lot potentially range from 15%-25%. The general area is identified as having a high susceptibility to seismically induced landslide and rockfall. According to the Safety Element of the General Plan, most of these areas, are designated for Open Space or Rural development as in this case. Increasing the intensity at the site may create an increase in potential public safety issues by exposing additional dwelling units to potential slope failures and landslides when developing or grading at a greater density. The proposed change would again create an internal inconsistency between the elements of the General Plan.

We urge retention of rural uses absent compelling planning reasons to amend the General Plan – reasons that have not been advanced.

Thank you for considering our views.

Yours truly,



Dan Silver
Executive Director

Comments regarding GPA 921 October 21 2015

Dear Commissioners:

Rural Residents and Friends wishes to express a few concerns regarding this GPA.

Our first concern is the constant erosion of the "Estate Density Area East of the 215 Policy area" There seems to be no provisions or concern in following logical and transitional densities in order to buffer the surrounding rural properties to the north, northwest, and south of the property. The staff report calls out that indeed there are "similar" GPA's in the area, but the fact is that some of those are either stalled or not moving forward and have NOT been approved. The General Plan calls out that this area is a well supported Rural area and has always acted as a buffer with more intense land uses directly west. When you remove diversity in planning which is required by the policy area and the General Plan, you end up with nothing more than unchecked urban sprawl.

Our second concern is whether input from the Winchester MAC or the City of Menifee has been sought out, since increasing the density here will impact not only the Winchester LUP, but also traffic concerns on Scott Road in Menifee, which is already rated an F level of service and will have detrimental effects in what is already standstill traffic near the Scott Road bridge on the 215. Will this parcel be required to participate in the Scott Road CFD in order to mitigate infrastructure shortfalls?

Of final concern is the 3 high pressure gas lines running the entire

length of the property from north to south. What safety measures are being considered here? One of these gas lines dates back to the 1940's and a repeat of San Bruno should be an avoidable tragedy.

Thank you for the opportunity to comment.

Rick Croy for Rural Residents and Friends

Sept. 30 - 2015

Dear Mr. Hildebrand,

This letter is in regards to the notice I received regarding the General Plan Amendment # 921 which will change zoning # 7763.

I am unable to attend the hearing on Oct. 21, 2015 due to a previous schedule already for that date, hence this letter.

I'm sure you are aware of the high pressure gas lines that are in the area where homes are to be built. We constantly see the gas co. on that land & hear the pressure release. When we bought our home in 2006 we were not told of the existence of those gas lines. They apparently have been in place since the 1950's. Hopefully there won't be a time when an explosion occurs in the neighborhood. Certainly if such ever occurs there will be litigation towards all "powers that be" who knew about those gas lines. Please take all of the above information into consideration prior to a decision being made. Thankyou.

Respectfully,
Gayle J Hobson.



October 8, 2015

SINCE 1950

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

Board of Directors

President

Randy A. Record

Vice President

David J. Slawson

Directors

Joseph J. Kuebler, CPA

Philip E. Paule

Ronald W. Sullivan

General Manager

Paul D. Jones II, P.E.

Treasurer

Joseph J. Kuebler, CPA

Chairman of the Board,

The Metropolitan Water

District of So. Calif.

Randy A. Record

Legal Counsel

Lemieux & O'Neill

Attn: John Hildebrand

**Subject: GPA No. 921 (Foundation and Entitlement/Policy) and
CZ No. 7763 – Intent to Adopt a Mitigated Negative Declaration**

The subject project requires water and sewer services from EMWD with the potential requirement for on-site and offsite facilities and associated easements to adequately serve the project demands from existing EMWD facilities. The details of said service connection points will be further detailed in a separate document, known as EMWD's Plan of Service (POS), to be developed by the project proponent.

To that end, EMWD requires beginning dialogue with the project proponent at an early stage in site design and development, via a one-hour complimentary Due Diligence meeting. To set up this meeting, the project proponent should complete a Project Questionnaire (form NBD-058) and submit to EMWD. To download this form or for additional information, please visit our "New Development Process" web page, under the "Businesses" tab, at www.emwd.org. This meeting will offer the following benefits:

1. Describe EMWD's development work-flow process
2. Identify project scope and parameters
3. Preliminary, high level review of the project within the context of existing infrastructure
4. Discuss potential candidacy for recycled water service

Following the Due Diligence meeting, to proceed with this project, a POS will need to be developed by the developer's engineer, and reviewed/approved by EMWD prior to submitting improvement plans for Plan Check. The POS process will provide the following:

1. Technical evaluation of the project's preliminary design
2. Defined facility and easement requirements, i.e. approved POS
3. Potential facility oversizing and cost estimate of EMWD's participation
4. Exception: for feasibility evaluation of a purchase acquisition, only a conceptual facilities assessment may be developed.

If you have questions or concerns, please do not hesitate to contact me.

Sincerely,

Maroun El-Hage, M.S., P.E., Senior Civil Engineer

Business Phone: 951-928-3777 Extension x4468

e-mail: El-hagem@emwd.org

Hildebrand, John

From: Georgia Denny <chickenmommy2@aol.com>
Sent: Tuesday, October 20, 2015 10:19 AM
To: Hildebrand, John
Subject: OPPOSITION AGAINST GPA 921

Dear Mr. Hildebrand,

I am opposed to GPA 921. When was the notification sent and to whom for this public hearing? There was **not** a proper notification to the people living in the area. This could easily slip thru the system without the neighbors in the area knowing anything about it. The majority of the residents living in this rural area want to keep it rural, we need to be informed and should be informed properly! Please put my email in the file for **OPPOSITION AGAINST GPA 921** as part of this Public Hearing process set for tomorrow October 21, 2015.

Thank you,
Georgia Denny

October 20, 2015

LETTER IN OPPOSITION / To Riverside County Planning

1 of 15

**Public Hearing DATE: October 21, 2015 This copy to be on file
GPA 921 (CHG. OF ZONE NO. 7763)**

Dear Mr. John Hildebrand:

Rural Residents oppose this GPA 921 on many grounds.

First and foremost, the residents in this area have spoken through many public testimonies, written letters, and approximately 100 plus signed petitions submitted to the County that we want this area to retain its rural intensity. This GPA 921 is right next to GPA 1129, the Rivani Project that also does not fit within the New County GPA 960. GPA 960 approved to keep this area in the Estate Density Policy Area.

Second, this area falls under the Winchester MAC Area. Winchester MAC doesn't know anything about this project. This hearing should be postponed until it has gone through the appropriate approval or denial stages of the County requirements.

Third and most important is something that we the Public do not understand how you the County, Real Estate Agents, Water District and Developers are getting around the law that was passed effective 3-1-1998 called:

**DAM-FAILURE INUNDATION ZONE LAW Copy attached 11 pages
(This is different than the 100 year NFIP flood zone)**

This law states Agents and Seller of real property in California must disclose to buyers if the property is located in a Dam Failure Inundation Zone. Failure to make the required disclosure may render the seller or the seller's agent liable for actual damages suffered by the buyer. See all 11 pages of requirements for land sale and home sales for this area.

A notice is to be posted at the county recorder's office, county assessor's office, and county planning agency office that identifies the location of the map and any subsequent information received by the county regarding changes to the inundation area. We have yet to find this information posted anywhere for our viewing.

Nor are any of the people who have been buying homes in this area been told that the homes they are buying in this area are in a DAM-FAILURE INUNDATION ZONE. We asked for this info at a Co. Meeting and by e-mails and never received any.

California School Code for Construction of schools (copy attached 2 pages) states:

g. Pursuant to Education Code sections 17212 & 17212.5 the site is not within an area of flood or dam flood inundation unless the cost of mitigating the flood or inundation impact is reasonable. How can a school be built in an area the water level is going to be 40 feet deep, and mitigate this at a reasonable cost? The School is not yet a done deal !!!!! It needs State Approval to be built in this Dam Inundation Zone !!!!!

We can bet the school and the buyers of these properties have not been told this area is a Dam-Failure Inundation Zone. Are you going to make the developer's disclose this to every person who buys a home from them in this area going forward as part of their approval? Or are you going to be liable too. This is not being disclosed to home buyers in the area since the Dam was built. None of us were told our area changed to a Dam Inundation Zone either by the

Water District or County when they built the Dam. I now pay \$400 a year for Flood Coverage after finding this out on my own. All the research we the Public have done because of the Joseph Rivani Project of over 600 homes. He wants to build in this Dam Inundation Zone using the School as the Deal Breaker to get his project approved!!!!

We think it's about time people making these deals start following the Laws of the Land. What is right is right and what is being covered up and not disclosed to the Public is really an injustice to all of us who have lived in this area for many years. We know what is going on with all the developers and the money doing the talking in the area to get these projects passed trying to bypass the home owners in the area.

We live within the surrounding area of the GPA'S THAT ARE BEING ASKED TO BE APPROVED WITH NONE OF YOU COMING OUT TO SEE THE PROJECT SITES AND TO TAKE A LOOK AT WHAT THE AREA REALLY IS AND HOW IT'S JUST IN FRONT OF THE NORTH DAM.

HOW WOULD YOU LIKE TO LIVE IN AN AREA WHERE THE DAM COULD BREAK IF WE HAVE THAT BIG ONE THEY KEEP TALKING ABOUT; AND NOT KNOWING WHAT YOU SPENT YOUR LIFE SAVING ON AND LOST IT ALL BECAUSE OF GREEDY DEVELOPERS WHO CARE LESS ABOUT YOU?

HOW WOULD YOU LIKE YOUR KIDS GOING TO A SCHOOL THAT COULD BE UNDER 40 FEET OF WATER, AND NEVER MAKE IT HOME IF THAT BIG ONE HITS.

THERE IS AN ACTIVE FAULT UNDER THE EAST SIDE DAM JUST IN CASE YOU DON'T KNOW THAT TOO.

RESPECTFULLY RURAL RESIDENTS OF THE AREA, AND THERE ARE MORE. YOU DIDN'T GIVE US AMPLE TIME, AS YOUR SIGNS ONLY WENT UP A WEEK AGO BEFORE THIS MEETING. ALL OUR NAMES ARE ON GPA 1129 TOO.

- V. ROMBERGER**
- P. SORUM**
- G. SORUM**
- D. SCALES**
- M. SCALES**
- J. ROMBERGER**
- F. ROMBERGER**
- L. FREDRICKS**
- C. FREDRICKS**



LAW

Dam-failure Inundation Zone

Effective March 1, 1998, Agents and Sellers of real property in California are required to disclose to all potential buyers whether the subject property is in an officially mapped dam-failure inundation zone.



A dam-failure inundation zone is DIFFERENT than the "NFIP" flood zone for which a determination is required when borrowing a federally-backed mortgage loan. The National Flood Insurance Program (NFIP) flood zones are areas along streams or coasts where storm flooding is possible from a "100-year flood."

Dam-failure inundation, in contrast, is flooding which could result from the failure of a dam upstream as the result of an earthquake or other catastrophe.

This disclosure requirement was signed into law on October 6th, 1997, by Governor Pete Wilson. Based on California Assembly Bill 6X (called the "Torlakson Bill"), this new law outlines the specific procedures for existing natural hazard disclosures, and incorporates dam-failure inundation as an additional mandatory disclosure zone for clarifying flood zone disclosures.

A Standardized Natural Hazards Disclosure Statement form must now be completed with the appropriate information and signed by the Buyer and the Seller.

(See also new requirements for [Very High Fire Hazard Severity Zone disclosure](#) and [Seismic Hazard Mapping Act Zone disclosure](#).)

| [HOME](#) | [CoreLogic](#) |

CALIFORNIA BAR JOURNAL

OFFICIAL PUBLICATION OF THE STATE BAR OF CALIFORNIA - AUGUST 1999

[Main Menu](#)

REGULARS

[Front Page - August 1999](#)

News

- [Affordable MCLE to highlight 4-day annual convention](#)
- [Pay your fees, avoid suspend!](#)
- [Board to meet Aug. 20-21](#)
- [Ethics problem? Get relief](#)

Obituary

- [Anne Charles, bar media director](#)

Trials Digest

Opinion

- [For lawyers, a little thanks](#)

[From the President - Casualties - still - of the Wilson veto](#)

Letters to the Editor

MCLE Self-Study

- [Natural Hazard Disclosure](#)
- [Self-Assessment Test](#)
- [MCLE Calendar of Events](#)

MCLE SELF-STUDY

Natural Hazard Disclosure *LAW*

Failure to comply with 1998 law may render seller of property or agent liable for actual damages

By JEFFREY G. WAGNER

see pg 3

* Urgency legislation signed by Gov. Wilson last year, which became effective June 1, 1998, may have a widespread impact on real estate transactions in California involving both residential and nonresidential properties. Sellers now must disclose to buyers if the property is located in a special flood hazard area, dam failure inundation area, earthquake fault zone, seismic hazard zone, high fire severity area or a wildland fire area. The disclosure requirements apply to all real estate transactions, including residential resales, new subdivision sales and commercial property transactions. Failure to make the required disclosure may render the seller or the seller's agent liable for actual damages suffered by the buyer.

The legislation mandates the specific form of disclosure that must be made for certain types of residential sales. The new consolidated natural hazard disclosure statement (NHDS) must be provided if: (1) the sale is subject to the real estate transfer disclosure statement (TDS) requirement of California Civil Code §§1102 through 1102.17 and the (2) the property is located within one of six designated natural hazard areas.

The TDS and NHDS requirements apply only to residential transactions and generally only to resale transactions, as most new subdivision sales are exempt. The NHDS represents a consolidation of six independent statutory disclosure requirements, three of which became law under the new legislation (special flood hazard area, dam inundation failure area, and high fire severity), and three of which were existing disclosure statutes amended by the new legislation (earthquake fault zone, seismic hazard area, and wildland fire area).

Each separate disclosure statute applies to the sale of "real property" and is



not restricted to transactions where a TDS is required to be provided. If the TDS requirement applies, the NHDS disclosure form must be made but the seller or agent may elect the form of disclosure to be given.

One purpose of the NHDS requirement was to locate in one area existing disclosure requirements set forth in different codes and often missed. One unexpected side effect is that it unearthed disclosure requirements previously thought by many to be applicable only to residential resale transactions. It is possible that subsequent legislation may reduce the scope of these disclosure requirements. Unless and until this occurs, however, the statutory language encompasses all real estate sales transactions. (AB 248 (Torlakson), currently pending in the Senate, proposes changes in some of the requirements.)

• WHEN MUST THE DISCLOSURE BE MADE?

Disclosure must be made if the seller or seller's agent has actual knowledge that the property is located within one of the designated hazard zones. Disclosure also must be made without regard to actual knowledge if the local jurisdiction has been provided with either (1) a list by parcel of the properties within the area (special flood and dam failure inundation areas) or (2) the required maps (high fire severity zones, wildland fire area, earthquake fault zones, and seismic hazard zones), and the required notice regarding the location of the list or map has been posted in the applicable local governmental offices. Thus, sellers and their agents will be considered to have constructive knowledge of any hazard area information available through local agencies.

• HOW DO YOU DETERMINE IF THE PROPERTY IS IN A HAZARD ZONE?

The immediate challenge to sellers, their agents and their attorneys is how to determine whether the property is located within one of the designated hazard areas. There are six natural hazard areas covering three types of hazards: flood, fire and earthquake. Each hazard has two types of designated areas: flood (100-year flood plain and dam failure inundation area); fire (high fire severity zone and wildland fire area); and earthquake (earthquake fault zone and seismic hazard zone).

Public and private sources for information are available. As might be expected, the legislation has sparked new business opportunities. A number of private businesses, including companies, will research a particular piece of property and provide a report for a fee. Appropriate due diligence should be taken to assess the qualification and financial strength of the provider as well as any contractual limitations on the provider's liability if the report is in error. Contractual limitations are to be

expected as the current fees charged for this service are not significant (approximately \$60 to \$75 per report). The seller or the seller's agent remains ultimately responsible to the buyer for any errors; and, as noted below, the potential liability may be significant.

The author, in a random and unscientific test of city and county agencies for information on hazard areas within their jurisdictions, found the experience frustrating and futile. Inquiries were met with silence or "Let me transfer you to another department." It is hoped that as information about the new requirements spreads, local agencies eventually will prove to be a good information source. Until this occurs, state agencies and private providers remain the most effective sources.

For those choosing to do the research on their own or to supplement or verify information provided by others, set forth below is a brief description of each hazard area and sources for information about whether a particular piece of property is located within the area.

Special flood hazard areas (FEMA - Zones A and V)

This area includes properties within Zones A and V of the flood insurance rate maps issued by the Federal Emergency Management Agency (FEMA). Zone A is the 100-year flood plain and Zone V is a 100-year coastal flood area. FEMA flood maps are readily available and most sales agents are familiar with the maps. The best source for confirmation of whether the property is located in a flood zone is the local planning department. Copies of FEMA's flood insurance rate maps can be obtained directly from FEMA for a small charge through its MAP Service Center (1-800/358-9616). A community panel number is necessary to obtain the correct map for a particular piece of property. This number should be available through the local planning or public works department. Additional information is available on FEMA's website at www.fema.gov.



Dam failure inundation area

This area includes properties designated by the State Office of Emergency Services (OES) as subject to potential flooding in the event of partial or total failure of any dam that would result in death or personal injury. The OES has the responsibility to distribute inundation maps for these areas, and the maps are to be kept on file with the OES and the State Department of Water Resources. A notice is to be posted at the county recorder's office, county assessor's office, and county planning agency office that identifies the location of the map and any subsequent information received by the county regarding changes to the inundation areas.

Every county in California (except Del Norte) contains one or more dams

with a designated inundation area, and OES has delivered maps to each of these counties. According to OES, the best current source for finding the location of these maps is the county's local office of emergency services. This office will either have the map or know where the map is located. Map information is available on the internet. OES's web site is www.oes.ca.gov.

High fire severity zone

In response to the Oakland hills fire, the legislature passed California Government Code §§51175 through 51188 to identify areas that are subject to a very high fire risk, to establish certain fire prevention maintenance standards, and to require disclosure to prospective purchasers of property in these areas. The Director of Forestry and Fire Protection is required to identify very high fire hazard severity zones and to transmit the information to all local agencies. If a county receives an official map identifying high fire zones within the county, it is required to post a notice in the county recorder's, assessor's, and planning agency's offices that identifies the location of the map.

As of June 1, 1999, maps were prepared for high fire severity zones in 25 counties. Each map covers one county. The maps are 36 inches by 48 inches and include roads, water features and other landmarks to aid in determining whether a particular property is located in the area. Maps may be ordered from the Teale Data Center, P.O. Box 13436, Sacramento CA 95813, 916/263-1767. The website is www.gislab.teale.ca.gov. The cost is \$35 per map plus \$10 shipping and tax. It is anticipated that the maps eventually will be available on the internet. Further information can be obtained from the State Board of Forestry in Sacramento.

Wildland fire area

Wildland fire areas (or state responsibility areas) include properties where the state (rather than any local or federal agency) has the primary financial responsibility to prevent and suppress fires. The seller must disclose to any prospective purchaser that: (1) the property is located in the area, (2) the area may contain substantial fire risks and hazards, and (3) the property is subject to the fire prevention measures contained in California Public Resources Code §4291, such as the maintenance of firebreaks around all structures.

In addition, if the county has not assumed fire suppression responsibility in all areas of the county (including state responsibility areas), the seller must disclose that the state has no responsibility to provide fire protection to any building or structure located within the wildlands absent a cooperative agreement with the local agency under California Public Resources Code §4142.

The State Board of Forestry is required to classify wildland fire areas and to provide maps identifying the areas to the county assessor of each county that contains such areas. Notices are to be posted in the county recorder's, assessor's, and planning agency's offices identifying the location of the map.

Maps have been prepared for wildland fire areas in 56 counties (all but San Francisco and Sutter) and may be ordered from the Teale Data Center as described above. Each county map will show both the wildland fire areas and any high fire severity zones located in that county. Further information can be obtained from the State Board of Forestry in Sacramento

Earthquake fault zone (Alquist-Priolo Act)

This area covers property located within a delineated earthquake fault zone as shown on an official earthquake fault zone map. The State Geologist is required to compile maps that delineate earthquake fault zones that encompass all potentially and recently active traces of the San Andreas, Calaveras, Hayward and San Jacinto faults. The State Geologist also is required to include such other faults that are sufficiently active and well-defined as to constitute a potential hazard to structures from surface faulting or fault creep. The zones are to be one-quarter mile or less in width but the State Geologist may designate a wider zone. The State Geologist is to provide copies of the official maps to each city and county with jurisdiction over the property located within the zone. Counties receiving maps must post notices in the county recorder's, assessor's, and planning agency's offices identifying the location of the maps.

As of May 1999, maps had been issued for earthquake fault zones in 100 cities in 36 counties. In order to obtain a copy of the map, you must first determine the name of the map. This can be done by obtaining a copy of Special Publication No. 42 entitled "Fault-Rupture Hazard Zones in California" issued by the California Division of Mines and Geology (DMG). It can be ordered for a small fee from DMG at 916/445-5716 (Sacramento), 213/620-3560 (Los Angeles), or 415/904-7707 (San Francisco). With the map name in hand, the map may be ordered for a small fee from BPS Reprographics Services, 149 Second St., San Francisco 94105, 415/512-6550. Additional information regarding earthquake fault zones may be obtained over the internet from DMG's website www.consrv.ca.gov/dmg.

Seismic hazard zone

Seismic hazard zones are areas delineated by the State Geologist that may be subject to strong ground shaking, liquefaction, landslides or other ground failures, and other seismic hazards caused by earthquakes. On completion of each official map identifying such areas, the State Geologist

must provide copies to each city and county having jurisdiction over lands within the zone. Upon receipt of a map, the county must post a notice in the county recorder's, assessor's, and planning agency's offices identifying the location of the map.

As of March 25, 1999, 40 official maps have been issued for seismic hazard areas in four counties (Los Angeles, Orange, San Francisco and Ventura). The map name is necessary in order to obtain a copy of the map. The map name can be obtained from the "Seismic Hazard Mapping Bulletin" issued by DMG. It can be ordered from DMG as described above and also is available from the internet at www.consrv.ca.gov/dmg/shezp/disclose.html. The map itself can be ordered from BPS Repro-graphics as described above.

• WHAT IF YOU ARE UNSURE WHETHER THE PROPERTY IS IN A HAZARD ZONE?

For certain hazard areas (earthquake fault zone, seismic hazard zone, high fire severity zone or wildland fire area), if a map is available but the map or accompanying information is not of sufficient accuracy or scale that a reasonable person can determine whether the property is within the area, the seller or seller's agent must assume that the property is located within the area, mark "yes" on the applicable NHDS provision, and provide the NHDS to the buyer. "No" can be marked if an expert's report prepared pursuant to California Civil Code §1102.4(c) verifying that the property is not in the area is attached to the NHDS. Presumably in this situation, the NHDS still must be provided to the buyer (along with the expert's report) even if the NHDS shows the property is not within any of the six areas. The requirement to disclose if "unsure" does not apply to properties within FEMA Zone A or V or a dam failure inundation area. Apparently, the legislature felt that the information available on these areas is sufficiently clear to identify properties located within their boundaries.

It is uncertain whether the duty to disclose if "unsure" applies to TDS-exempt transactions. The statutory language presumes that the buyer will be provided with an NHDS, and TDS-exempt transactions are not required to use the NHDS. Corrective legislation may be necessary to clarify this ambiguity. Until this is resolved, the prudent course would be to assume that the duty to disclose if "unsure" applies to all real estate transactions in earthquake fault zones, seismic hazard zones, high fire severity zones and wildland fire areas.

• WHO MUST MAKE THE DISCLOSURE?

The seller's agent has the primary responsibility to make disclosure for properties located in an earthquake fault zone, seismic hazard zone, FEMA

Zone A or V, and dam failure inundation area. If the seller has no agent, the seller must make the disclosure. The seller is charged with the direct responsibility for making the disclosure for properties located in high fire severity zones and wildland fire areas.

• HOW MUST THE DISCLOSURE BE MADE?

If the transaction is subject to the TDS requirement, the disclosure must be made using either the NHDS set forth in California Civil Code §1102.6c(b) or a local form as long as the form includes substantially the same information and same warning required by the statutory disclosure form.

The mandated disclosure form contains a warning in bold print that the hazards may limit the buyer's ability to develop the property, to obtain insurance, or to receive assistance after a disaster.

For transactions where the seller is not required to provide a TDS but is subject to the independent statutory disclosure requirements, it may be advisable to use the mandated form or at least incorporate the substantive provisions of the form. The NHDS represents a convenient, consolidated and state-authorized mechanism for providing the necessary disclosures. It also may become the standard that establishes the minimum disclosure that must be met.

Practitioners should be aware, however, that the NHDS may not be sufficient in every transaction. A property's unique circumstances may require disclosure of additional hazard area information. The new requirements expressly provide that the specific disclosure obligations do not limit or abridge any disclosure duty created by any other provision of law (including presumably a common law disclosure duty) or required in order to avoid fraud, misrepresentation or deceit in the transaction.

• WHAT HAPPENS IF THE DISCLOSURE IS NOT MADE?

Failure to make the required disclosure will not invalidate the transaction; however, any person who willfully or negligently fails to make the required disclosure is liable in the amount of actual damages suffered by the transferee.

It takes little imagination to see the significant and frightening exposure a failure to disclose may mean to sellers and their agents. Fire, flood or earthquake victims may now have a new source of potential recovery, particularly if insurance proceeds are inadequate or nonexistent. It is uncertain whether the legislature understood that this new law has the potential of converting unwitting sellers into insurers against natural disasters. In the past, property owners generally have had little recourse when nature wreaks havoc; now many may be scrambling for their sales

documents to see if the proper disclosures were made.

This potential exposure for failure to disclose has been applicable to earthquake fault zones and seismic hazard areas for a number of years. The duty to disclose, however, was abated for some time because the maps were not available. With maps now available and information about disclosure obligations more widely known, liability for failing to disclose may rise dramatically.

Sellers of homes in large subdivisions sold in multiple phases over a period of years must be prepared to periodically check the hazard area information available for such projects. The releasing of hazard area maps is an ongoing process. Previously unmapped property may find itself eventually within a mapped hazard zone triggering a disclosure duty.

*** CAN INFORMATION PROVIDED BY OTHERS INSULATE SELLERS AND AGENTS FROM POTENTIAL LIABILITY?**

Sellers and agents in transactions subject to the TDS disclosure requirements may receive some liability protection from California Civil Code §1102.4 if they rely on information received from public agencies or qualified experts. Neither the seller nor the agent is liable for any error, inaccuracy or omission if (1) it is based on information received from a public agency or qualified expert; (2) the error, inaccuracy, or omission was not within the personal knowledge of the seller or agent; and (3) the seller or agent exercised ordinary care in obtaining and transmitting the information. A "qualified" expert may be a licensed engineer, land surveyor, geologist, structural pest control operator, contractor or other expert dealing with matters within the scope of the professional's license or expertise.

It is uncertain whether this liability protection extends to transactions exempt from the TDS disclosure requirements. Each of the six separate statutory disclosure requirements specifically incorporates the liability provisions of California Civil Code §1102.13 (see discussion above), but none incorporates the liability protection provisions of §1102.4. There appears to be no reason for not extending these protections to TDS-exempt transactions. It is hoped the failure to do so was a legislative oversight that future legislation will correct.

Conclusion

It remains to be seen whether this new legislation simply adds more to the seller's already large disclosure pile or whether it also shifts significant liability on to sellers and agents. Most property owners understand and accept nature's risks and protect themselves as best they can through insurance. Few seek to blame human error for damages wrought by natural

disasters.

This may no longer be the case, and therein lies the problem with this new legislation.

Courts hopefully will be reluctant to tag a mere careless seller or agent with enormous disaster damages. This risk, however, may be too great to await a judicial response.

The legislature needs to act swiftly to address this liability issue. In the meantime, practitioners should notify their clients of these new disclosure requirements so that they do not find themselves as unwitting insurers against natural disasters.

• *Jeffrey G. Wagner is a partner in the law firm of Luce, Forward, Hamilton & Scripps, LLP, specializing in real property law with an emphasis in common interest developments.*

California Real Estate Flooding | Dam Failure Disclosure

By Lisa Davies | 5/25/2018

Dams are erected to stop flooding, to generate hydroelectric power, and to control rivers, but they can wreak serious havoc if they break, and questions about a property being located in a dam inundation zone are on the rise. While the dam inundation zone may not sound as scary as an earthquake fault zone or a liquefaction zone, many foreign buyers and foreign national investors purchasing real estate in California have shown concerns about the property they want to buy being located in or near dam failure inundation zones.



Why are foreign national and home buyers so concerned about dam failure?

Consider this: The Three Gorges Dam is a hydroelectric dam that spans the Yangtze River by the town of Sandouping, located in Yiling District, Yichang, Hubei province, China. The Three Gorges Dam is the world's largest power station in terms of installed capacity (22,500 MW), and is arguably the most notorious dam. The massive project has set records for the number of people displaced (more than 1.2 million), number of cities and towns flooded (13 cities, 140 towns, 1,350 villages), and length of reservoir (more than 600 kilometers). The project has allegedly been plagued by corruption, spiraling costs, environmental impacts, human rights violations, and resettlement difficulties.

Potential flooding because of dam failure poses a threat in any part of the world where water has been channeled, dammed, or harnessed, and California is no exception. Why so many dams? Around the middle of the 20th Century, dams were seen as the essence of progress – man harnessing nature to generate power for unlimited real estate development and for converting deserts into farms. So America went on a dam building binge. California has over 1,400 regulated dams – each comes with its own map showing its own source for destructive potential.

Unlike fires and earthquakes, dam failure in does not happen often - but it has happened in the past and when it does, it can be devastating. Hundreds of dam failures have occurred throughout U.S. history. These failures have caused immense property and environmental damages and have taken thousands of lives. If you are a new homebuyer, you would want to consider the vulnerability of a property to flooding and the cost of the flood insurance the property would require.

On the morning of July 17, 1995, the Folsom Dam failed and 40,000 cubic feet of water per second began pouring out of the filled reservoir at 8:00 a.m. The National Weather Service issued a flash-flood warning for areas along the American River and police and sheriff's deputies cleared dozens of people from the river banks and closed nearby roads and parks.

On September 21, 1998, at 5:47 a.m., one of two five million gallon city water storage tanks in the City of Westminster ruptured, sending a six foot high wall of water charging through the community in a raging torrent of fury. Unfortunately, several people were hurt in this calamity, and nearly seventy residents had to be evacuated. Thirty homes were red-tagged, and ten homes were scheduled for demolition. The violent wall of water smashed into living rooms, hoisted vehicles onto garages, and cars and trucks were thrown upon one another.

Effective June 1998, section 8589.4 of the California Government Code Law made the disclosure of Flood and Inundation Zones mandatory in every real estate transaction in the State of California.

Property I.D. Corporation is the premier providing accurate dam inundation . These determinations are based on maps and criteria issued by the Office of Emergency Services and include required local city and county data.

Featured Articles

Title 5, California Code of Regulations

This is an excerpt of California Code of Regulations, Title 5 that relate to school facilities construction. The complete text of the California Code of Regulations, Title 5 may be downloaded from the Office of Administrative Law.

Division 1, Chapter 13, Subchapter 1

School Facilities Construction

Article 1. General Standards

*See
pg 2
50*

§14001. Minimum Standards.

Educational facilities planned by school districts shall be:

- a. Evolved from a statement of educational program requirements which reflects the school district's educational goals and objectives.
- b. Master-planned to provide for maximum site enrollment.
- c. Located on a site which meets California Department of Education standards as specified in Section 14010.
- d. Designed for the environmental comfort and work efficiency of the occupants.
- e. Designed to require a practical minimum of maintenance.
- f. Designed to meet federal, state, and local statutory requirements for structure, fire, and public safety.
- g. Designed and engineered with flexibility to accommodate future needs.

Note: Authority cited: sections 17251(b) and 33031, *Education Code*. Reference: Section 17017.5 and 17251(b), *Education Code*.

Article 2. School Sites

§ 14010. Standards for School Site Selection.

All districts shall select a school site that provides safety and that supports learning. The following standards shall apply:

- a. The net usable acreage and enrollment for a new school site shall be consistent with the numbers of acres and enrollment established in Tables 1-6 of the 2000 Edition, "School Site Analysis and Development" published by the California Department of Education and incorporated into this section by reference, in toto, unless sufficient land is not available or circumstances exist due to any of the following:
 - 1. Urban or suburban development results in insufficient available land even after considering the option of eminent domain.
 - 2. Sufficient acreage is available but it would not be economically feasible to mitigate geological or environmental hazards or other site complications which pose a threat to the health and/or safety of students and staff.
 - 3. Sufficient acreage is available but not within the attendance area of the unhouseed students or there is an extreme density of population within a given attendance area requiring a school to serve more students on a single site. Choosing an alternate site would result in extensive long-term bussing of students that would cause extreme financial hardship to the district to transport students to the proposed school site.
 - 4. Geographic barriers, traffic congestion, or other constraints would cause extreme financial hardship for the district to transport students to the proposed school site.
- b. If a school site is less than the recommended acreage required in subsection (a) of this section, the district shall demonstrate how the students will be provided an adequate educational program including physical education as described in the district's adopted course of study.
- c. The property line of the site even if it is a joint use agreement as described in subsection (a) of this section shall be at least the following distance from the edge of respective power line easements:

1. 100 feet for 50-133 kV line.
 2. 150 feet for 220-230 kV line.
 3. 350 feet for 500-550 kV line.
- d. If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be done by a competent professional trained in assessing cargo manifests, frequency, speed, and schedule of railroad traffic, grade, curves, type and condition of track need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossings, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment, preparation of an evacuation plan. In addition to the analysis, possible and reasonable mitigation measures must be identified.
 - e. The site shall not be adjacent to a road or freeway that any site-related traffic and sound level studies have determined will have safety problems or sound levels which adversely affect the educational program.
 - f. Pursuant to *Education Code* sections 17212 and 17212.5, the site shall not contain an active earthquake fault or fault trace.
 - g. Pursuant to *Education Code* sections 17212 and 17212.5, the site is not within an area of flood or dam flood inundation unless the cost of mitigating the flood or inundation impact is reasonable.
 - h. The site shall not be located near an above-ground water or fuel storage tank or within 1500 feet of the easement of an above ground or underground pipeline that can pose a safety hazard as determined by a risk analysis study, conducted by a competent professional, which may include certification from a local public utility commission.
 - i. The site is not subject to moderate to high liquefaction or landslides.
 - j. The shape of the site shall have a proportionate length to width ratio to accommodate the building layout, parking and playfields that can be safely supervised and does not exceed the allowed passing time to classes for the district.
 - k. The site shall be easily accessible from arterial roads and shall allow minimum peripheral visibility from the planned driveways in accordance with the Sight Distance Standards established in the "Highway Design Manual," Table 201.1, published by the Department of Transportation, July 1, 1990 edition, and incorporated into this section by reference, in toto.
 - l. The site shall not be on major arterial streets with a heavy traffic pattern as determined by site-related traffic studies including those that require student crossings unless mitigation of traffic hazards and a plan for the safe arrival and departure of students appropriate to the grade level has been provided by city, county or other public agency in accordance with the "School Area Pedestrian Safety" manual published by the California Department of Transportation, 1987 edition, incorporated into this section by reference, in toto.
 - m. Existing or proposed zoning of the surrounding properties shall be compatible with schools in that it would not pose a potential health or safety risk to students or staff in accordance with *Education Code* Section 17213 and *Government Code* Section 65402 and available studies of traffic surrounding the site.
 - n. The site shall be located within the proposed attendance area to encourage student walking and avoid extensive bussing unless bussing is used to promote ethnic diversity.
 - o. The site shall be selected to promote joint use of parks, libraries, museums and other public services, the acreage of which may be included as part of the recommended acreage as stated in subsection (a) of this section.
 - p. The site shall be conveniently located for public services including but not limited to fire protection, police protection, public transit and trash disposal whenever feasible.
 - q. The district shall consider environmental factors of light, wind, noise, aesthetics, and air pollution in its site selection process.
 - r. Easements on or adjacent to the site shall not restrict access or building placement.
 - s. The cost and complications of the following shall be considered in the site selection process and should not result in undue delays or unreasonable costs consistent with State Allocation Board standards:
 1. Distance of utilities to the site, availability and affordability of bringing utilities to the site.
 2. Site preparation including grading, drainage, demolition, hazardous cleanup, including cleanup of indigenous material such as serpentine rock, and off-site development of streets, curbs, gutters and lights.
 3. Eminent domain, relocation costs, severance damage, title clearance and legal fees.
 4. Long-term high landscaping or maintenance costs.
 5. Existence of any wildlife habitat that is on a protected or endangered species list maintained by any state or federal agency, existence of any wetlands, natural waterways, or areas that may support migratory species, or evidence of any environmentally sensitive vegetation.
 - t. If the proposed site is on or within 2,000 feet of a significant disposal of hazardous waste, the school district shall contact the Department of Toxic Substance Control for a determination of whether the property should be considered a Hazardous Waste Property or Border Zone Property.
 - u. At the request of the governing board of a school district, the State Superintendent of Public Instruction may grant exemptions to any of the standards in this section if the district can demonstrate that mitigation of specific

Scan

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

DATE: March 23, 2010

TO: Clerk of the Board of Supervisors

FROM: Planning Department - Riverside Office

SUBJECT: GPA00921

(Charge your time to these case numbers)

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

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

Designate Newspaper used by Planning Department for Notice of Hearing: NONE - GPIP

Please schedule on the 04/06/2010 BOS Agenda

Documents to be sent to County Clerk's Office for Posting:
NONE - GPIP

Riverside Office · 4080 Lemon Street, 9th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-3157

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

Ron
2.23.10

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



FROM: TLMA - Planning Department

SUBMITTAL DATE:
March 23, 2010

REVIEWED BY EXECUTIVE OFFICE

DATE _____ Tina Grande
Departmental Concurrence

SUBJECT: GENERAL PLAN AMENDMENT NO. 921 – Foundation-Regular – Applicant: Dr. Sook P Choh – Engineer/Representative: Rick Engineering/Mick Ratican - Third Supervisorial District - Winchester Zoning District - Sun City/Menifee Valley Area Plan: Rural: Rural Residential (RUR-RR) (5 Acre Minimum Lot Size) – Location: Northerly of Scott Road, southerly of Wickerd Road, easterly of El Centro and westerly of Leon Road. - 77.72 Gross Acres - Zoning: Light Agriculture- 5 Acre Minimum Lot Size (A-1-5) - **REQUEST:** This General Plan Amendment proposes to amend General Plan Foundation Component of the subject site from Rural to Community Development and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR-RR) (5 Acre Minimum Lot Size) within the Highway 79 Policy Area to Medium Density Residential (CD:MDR) (2-5 du/ac). - APN(s): 466-220-029

RECOMMENDED MOTION:

The Planning Director recommends that the Board of Supervisors adopt an order initiating proceedings for the above referenced general plan amendment based on the attached report. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

BACKGROUND:

The initiation of proceedings for any General Plan Amendment (GPA) requires the adoption of an order by the Board of Supervisors. The Planning Director is required to prepare a report and recommendation on every GPA application and submit it to the Board of Supervisors. Prior to the submittal to the Board, comments on the application are requested from the Planning

Ron Goldman
Planning Director

Initials: *RG*

Continued on attached page

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

Prev. Agn. Ref.

District: Third

Agenda Number:

Commission, and the Planning Commission comments are included in the report to the Board. The Board will either approve or disapprove the initiation of proceedings for the GPA requested in the application. The consideration of the initiation of proceedings by the Planning Commission and the Board of Supervisors pursuant to this application does not require a noticed public hearing. However, the applicant was notified by mail of the time, date and place when the Planning Commission and the Board of Supervisors would consider this GPA initiation request.

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

The Board of Supervisors established the procedures for initiation of GPA applications with the adoption of Ordinance No. 348.4573 (effective May 8, 2008), which amended Article II of that ordinance.

**PLANNING COMMISSION
MINUTE ORDER DECEMBER 2, 2009
RIVERSIDE COUNTY ADMINISTRATIVE CENTER**

I. AGENDA ITEM 5.10: GENERAL PLAN AMENDMENT NO. 921 - Foundation / Regular - Applicant: Dr. Sook P. Choh - Engineer/Representative: Rick Engineering / Mick Ratican - Third Supervisorial District - Winchester Zoning District - Sun City / Menifee Valley Area Plan: Policy Area(s) - Highway 79 Policy Area; Estate Density Residential & Rural Residential Policy Area: Rural: Rural Residential (RUR-RR) (5 Acre Minimum Lot Size) - Location: North of Scott Road, east of El Centro Lane, south of Wickerd Road, and westerly of Leon Road - 77.72 Gross Acres - Zoning: Light Agriculture - 5 Acre Minimum Lot Size (A-1-5) - APN: 466-220-029.

II. PROJECT DESCRIPTION

This General Plan Amendment proposes to amend the General Plan Foundation Component of the subject site from Rural (RUR) to Community Development and to amend General Plan Land Use designation of the subject site from Rural Residential (RUR:RR) (5 Acre Minimum Lot Size) to Medium Density Residential (2-5 Dwelling Units per Acre).

III. MEETING SUMMARY

The subject proposal did not require a presentation.

Project Planner, Tamara Harrison, at (951) 955-9721 or e-mail tharriso@rctlma.org.

The following spoke in favor of the subject proposal:

Mick Ratican, Applicant's Representative

No one spoke in a neutral position or in opposition of the subject proposal.

IV. CONTROVERSIAL ISSUES

NONE

V. PLANNING COMMISSION ACTION

The Planning Commission, recommended to the Board of Supervisors;

INITIATION of the GENERAL PLAN AMENDMENT

VI. CD

The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Chantell Griffin, Planning Commission Secretary, at (951) 955-3251 or E-mail at cgriffin@rctlma.org.

Agenda Item No.: 5.10
Area Plan: Sun City/Menifee Valley
Zoning District: Winchester
Supervisory District: Third
Project Planner: Tamara Harrison
Planning Commission: December 2, 2009

General Plan Amendment No. 921
Applicant: Dr. Sook P Choh
Engineer/Representative: Rick Engineering

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

RECOMMENDATIONS:

The Planning Director's recommendation that the Board of Supervisors adopt an order initiating proceedings for GPA00921 from Rural: Rural Residential to Community Development: Medium Density Residential and the Planning Commission made the comments below. The Planning Director continues to recommend adoption of an order initiating proceedings for the general plan amendment. For additional information regarding this case, see the attached Planning Department Staff Report(s).

PLANNING COMMISSION COMMENTS TO THE PLANNING DIRECTOR:

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

Commissioner John Roth: Commissioner Roth indicated that he was concerned about continuing to allow Community Development designations in rural areas. Mr. Roth indicated that rural areas were being destroyed and eliminated one piece at a time. Mr. Roth inquired as to where the demarcation line would be between Community Development and Rural in the area.

Commissioner John Snell: No Comments

Commissioner John Petty: No Comments

Commissioner Jim Porras: No Comments

Commissioner Jan Zuppardo: No Comments

Agenda Item No.: 5.10
Area Plan: Sun City/ Menifee Valley
Zoning District: Winchester Area
Supervisory District: Third
Project Planner: Tamara Harrison
Planning Commission: December 2, 2009

General Plan Amendment No. 921
Applicant: Dr. Sook P. Choh
Engineer/Representative: Rick Engineering

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The applicant proposes to amend the General Plan Foundation Component from "Rural" (RUR) to "Community Development" (CD) and the General Plan Land Use designation from "Rural Residential" (RR) (5 acre minimum lot size) to "Medium Density Residential" (MDR) (2-5 du/ac) for an approximately 77.72 acre site. The project is located northerly of Scott Road, southerly of Wickerd Road, easterly of Briggs Road and westerly of Leon Road.

POTENTIAL ISSUES OF CONCERN:

The subject site is located in the "Winchester" community within the "Sun City/ Menifee Valley" area plan. Community Development: Medium Density Residential and Rural: Rural Residential lies to the west of the site and Rural Community: Estate Density Residential lies to the north. Rural: Rural Residential can be found to the east of the site and the City of Menifee lies to the south of the site directly across Scott Road. The proposal would be a reasonable extension of the Community Development Foundation given the site's proximity to the City of Menifee and existing Community Development designations.

Tract Map No. 31347 which lies west of the subject site across El Centro Road, approved 69 lots with a 7,200 square foot minimum lot size in 2004 and demonstrates some change that has occurred in the area since the adoption of the General Plan in 2003. The City of Menifee incorporated in October of 2008 and also presents some change for the area since the adoption of the General Plan. Due to nearby developments, water and sewer are available at the site.

The site is located within the boundaries of the Multiple Species Habitat Plan (MSHCP); however, the site does not fall within a criteria cell. The site will be required to conform to additional plan wide requirements of the MSHCP such as Riparian/Riverine Policies, Specific Species Surveys, Urban/Wildlands Interface Guidelines (UWIG) and Narrow Endemic Plant Species Policies and Determination of Biologically Equivalent or Superior Preservation Analysis (DBESP) as applicable.

The subject site also falls within the General Plan's "Highway 79" policy area. The current proposal is inconsistent with the General Plan's Highway 79 Policy Area. The policy area requires that residential development be proposed at 9% below the mid-point of the existing designation due to transportation infrastructure and capacity deficiencies. The policy did not include provisions to increase potential densities within the policy area as proposed by this amendment. A workshop was held at the regular Planning Commission meeting on September 30, 2009 in order to discuss the Highway 79 Policy area and the regular Foundation General Plan Amendments that fall within the policy area. As a result of the workshop, the Planning Commission recommended that those Foundation General Plan Amendments within the policy area be brought forward on a case by case basis in order to determine the appropriateness of each proposal and that the Highway 79 policies be reviewed during the General Plan update for potential amendments.

The parcel is also located at the southwestern edge of the General Plan's "Estate Density Residential and Rural Residential Area East of Interstate 215" policy area. The policy requires that "residential development in this area shall retain its existing estate density and rural character." The current proposal is inconsistent with the policy and the subject site would need to be removed from the policy area as part of the General Plan Amendment.

RECOMMENDATION:

The Planning Director's recommendation is to adopt an order initiating proceedings for General Plan Amendment No. 921 from Rural: Rural Residential to Community Development: Medium Density Residential. The initiation of proceedings for the amendment of the General Plan does not imply that any such amendment will be approved.

INFORMATIONAL ITEMS:

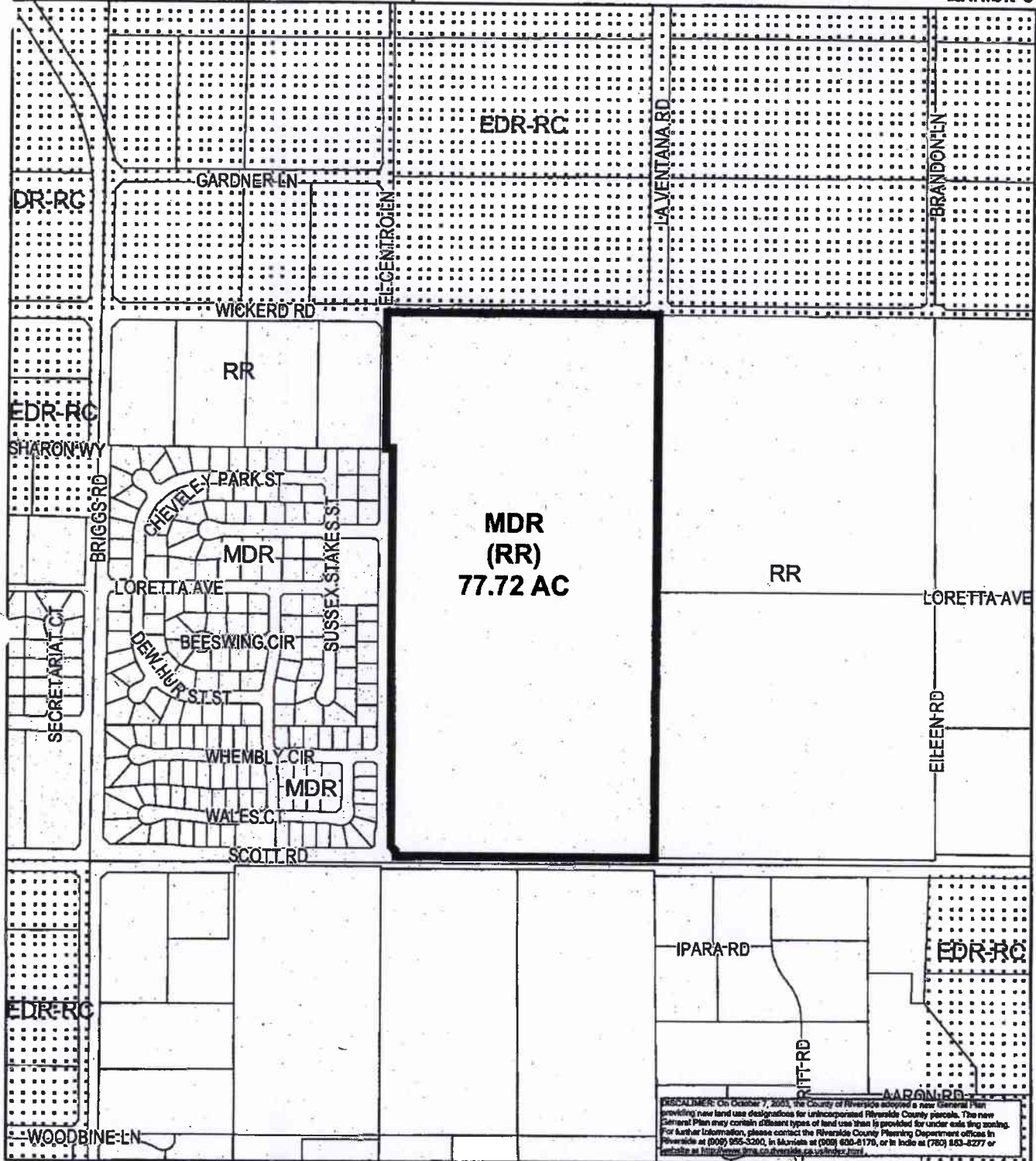
1. This project was filed with the Planning Department on February 6, 2008.
2. Deposit Based Fees charged for this project as of the time of staff report preparation, total \$3912.76.
3. The project site is currently designated as Assessor's Parcel Number: 466-220-029.

Supervisor Stone
 District 3
 Date Drawn: 2/20/08

GPA00921

Planner: Amy Aldana
 Date: 2/21/08
 Exhibit 6

Proposed General Plan



RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
 Area: Winchester
 Township/Range: T6SR2W
 Section : 18



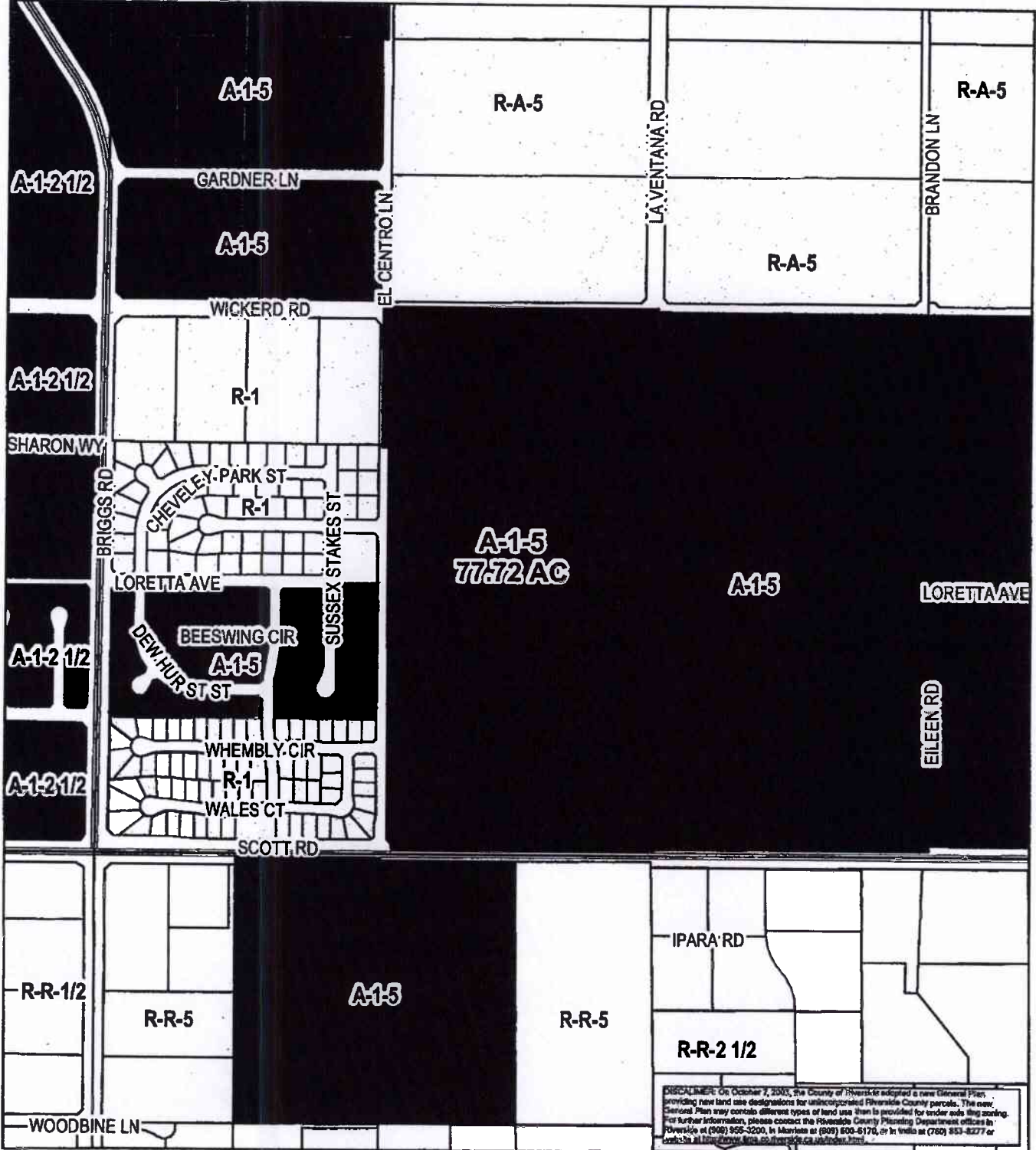
Assessors
 Bk.Pg. 466-22
 Thomas
 Bros. Pg. 869 A7

DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for Unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200, in Murietta at (951) 600-6170, or in Indio at (760) 863-8277 or visit our website at http://www.planning.ca.gov/riverside_ca/planning.html.

Supervisor Stone
 District 3
 Date Drawn: 2/20/08

GPA00921
EXISTING ZONING

Planner: Amy Aldana
 Date: 2/21/08
 Exhibit 2



DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200, in Maricopa at (909) 608-6170, or in Indio at (760) 853-8277 or visit us at <http://www.riverside.ca.gov/planning.htm>.

Zone
 Area: Winchester
 Township/Range: T6SR2W
 Section : 18

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
 Bk. Pg. 466-22
 Thomas
 Bros. Pg. 869 A7



Supervisor Stone
District 3

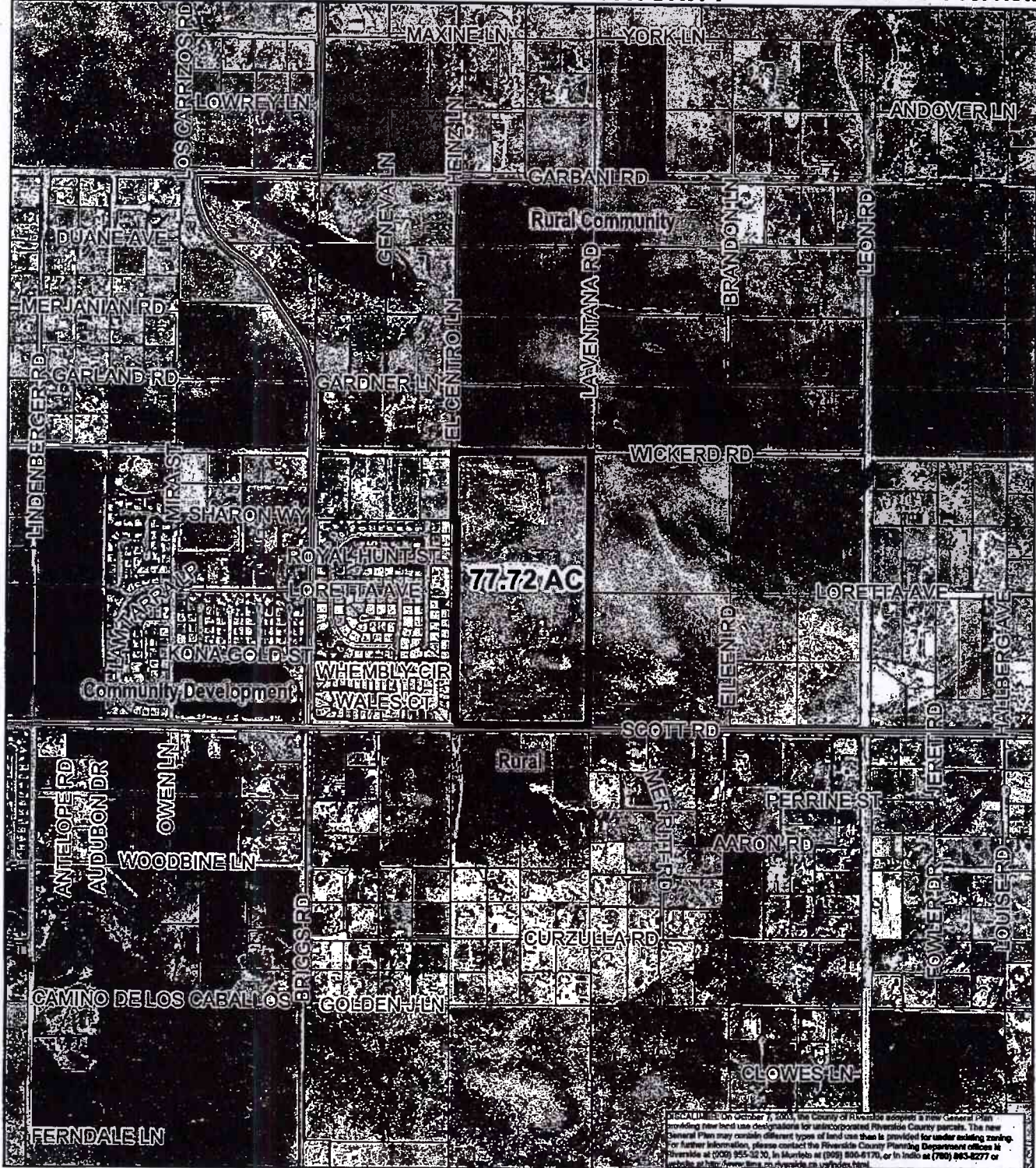
GPA00921

Planner: Amy Aldana

Date Drawn: 2/20/08

DEVELOPMENT OPPORTUNITY

Date: 2/21/08
Exhibits Overview



RECALLED: On October 1, 2008, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-1210, in Murietta at (951) 800-6170, or in Indio at (760) 863-8277 or available at <http://www.planning.riverside.ca.gov/plan.html>

RIVERSIDE COUNTY PLANNING DEPARTMENT

Area
Plan: Winchester
Township/Range: T6SR2W
Section: 18



Assessors
Bk. Pg. 466-22
Thomas
Bros. Pg. 869 A7

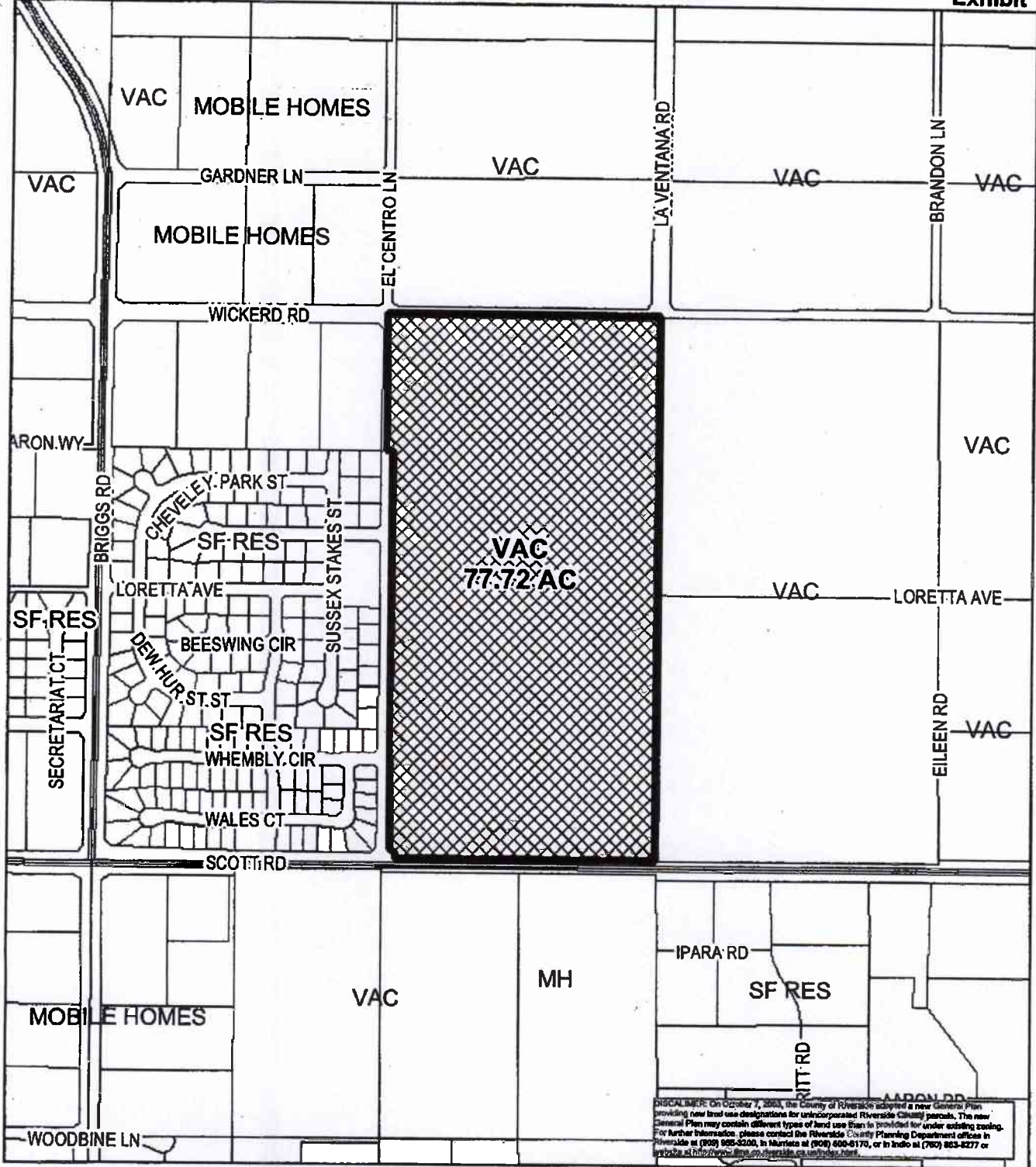


Supervisor Stone
District 3
Date Drawn: 2/20/08

GPA00921

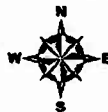
Land Use

Planner: Amy Aldana
Date: 2/21/08
Exhibit 1



RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
Area: Winchester
Township/Range: T6SR2W
Section: 18



Assessors
Bk. Pg. 466-22
Thomas
Bros. Pg. 869 A7



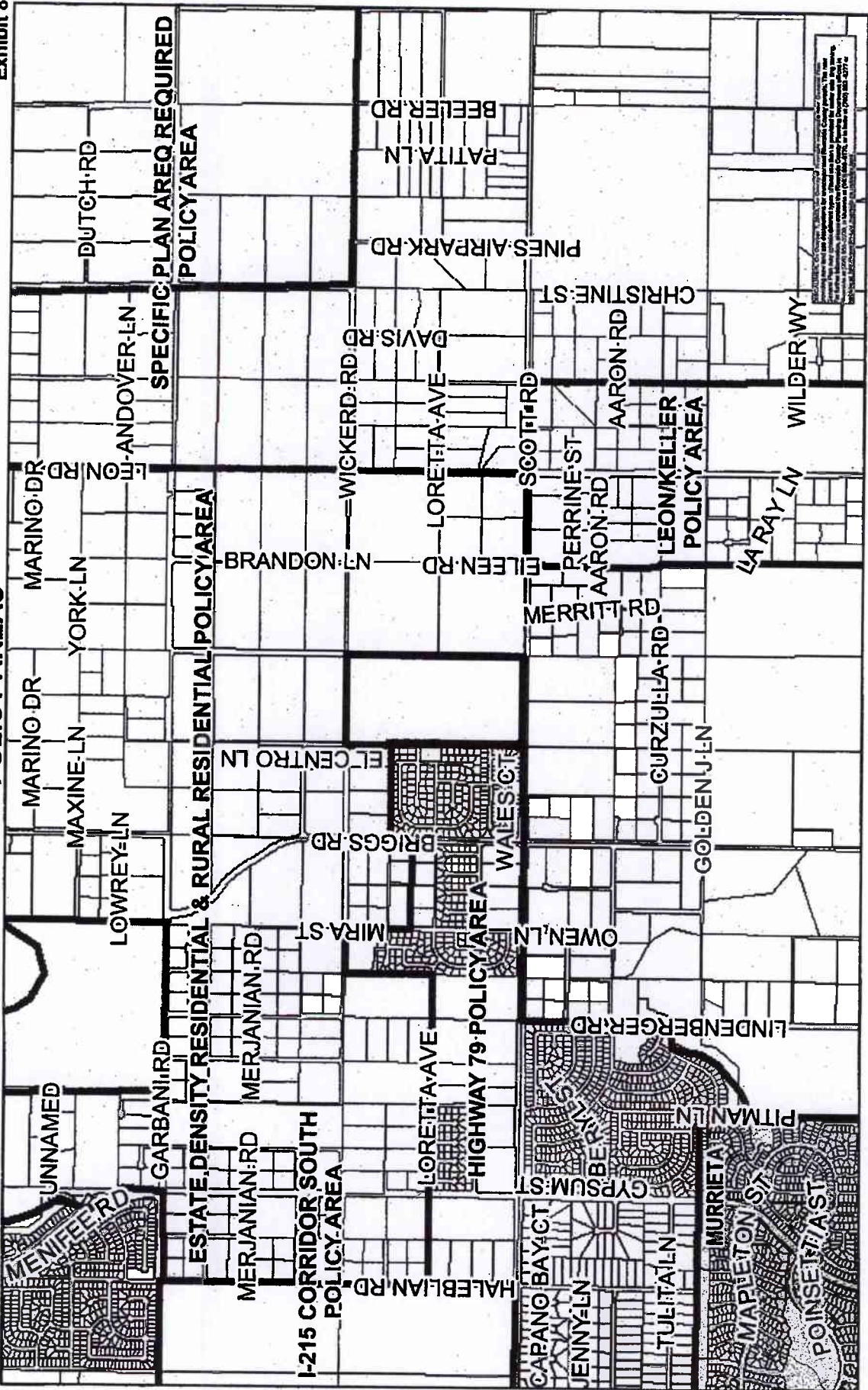
Supervisor Stone
District 3

Date Drawn: 2/20/08

GPA0921

POLICY AREAS

Planner: ...y Aldana
Date: 2/21/08
Exhibit 8



Zone Winchester
Area:
Township/Range: T6SR2W
Section : 18

RIVERSIDE COUNTY PLANNING DEPARTMENT



Assessors
Bk. Pg. 466-22
Thomas 869 A7
Bros. Pg.

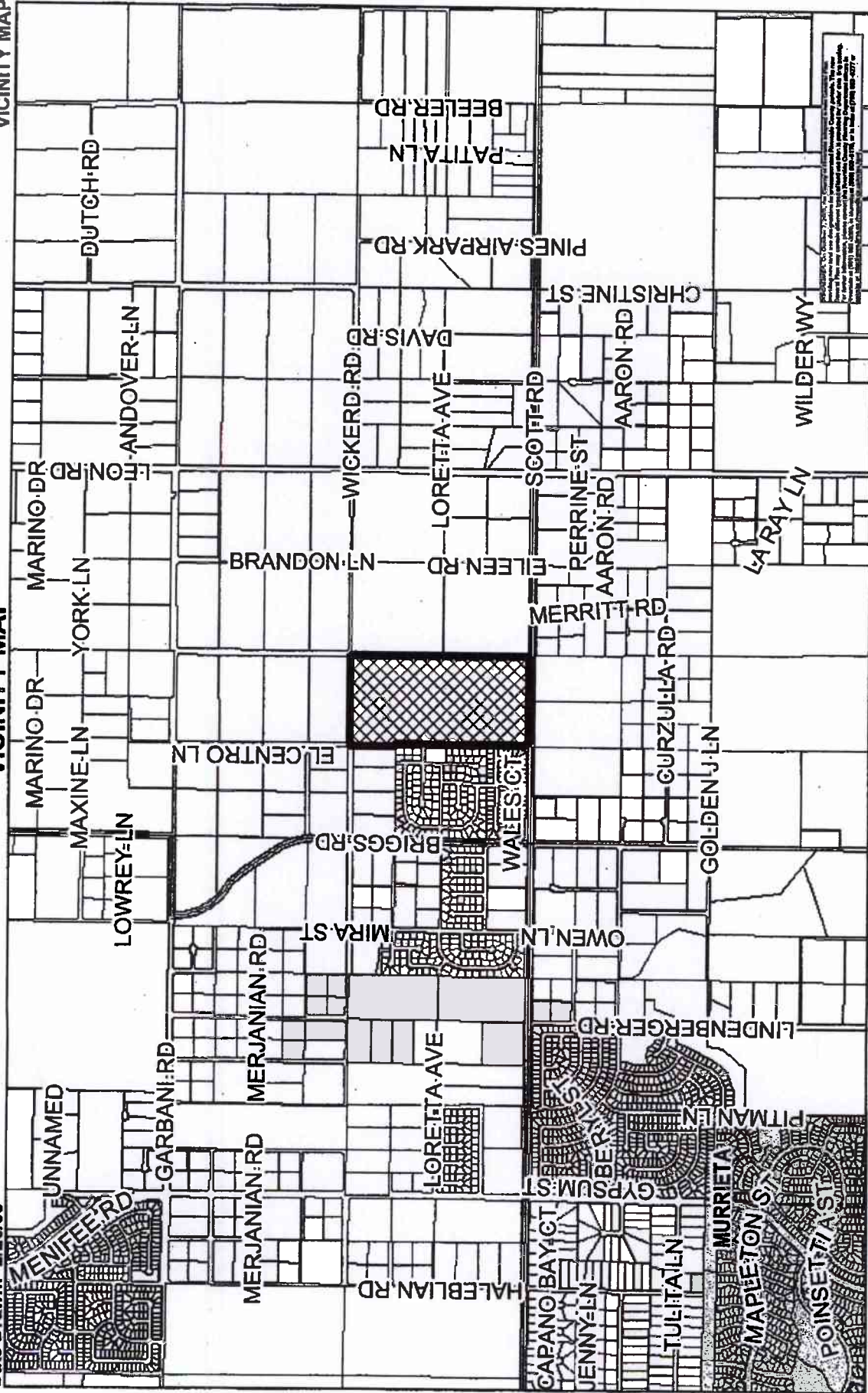
Copyright 2008 by Riverside County Planning Department. This map is a technical drawing and is not to be used for any other purpose without the express written consent of Riverside County Planning Department. All rights reserved. Printed on 11/15/08. In accordance with Public Law 105-33, as amended in Public Law 107-273.

Supervisor Stone
District 3

Date Drawn: 2/20/08

GP AU0921 VICINITY MAP

Planner: Amy Aldana
Date: 2/21/08
VICINITY MAP



Copyright 2008 by Riverside County Planning Department. All rights reserved. This map is a representation of the information provided to the County Planning Department. The County Planning Department is not responsible for any errors or omissions on this map. For more information, please contact the County Planning Department at (951) 955-2000. The County Planning Department is not responsible for any errors or omissions on this map. For more information, please contact the County Planning Department at (951) 955-2000.

Zone Winchester
Area:
Township/Range: T6SR2W
Section: 18

RIVERSIDE COUNTY PLANNING DEPARTMENT



Assessors
Bk. Pg. 466-22
Thomas
Bros. Pg. 869 A7



APPLICATION FOR AMENDMENT TO THE RIVERSIDE COUNTY GENERAL PLAN

JUSTIFICATION FOR AMENDMENT (Please be specific. Attach more pages if needed.)

It is felt that amending Assessor Parcel Number 466-220-029 from Rural Foundation Component with a Land Use Designation of Rural Residential to Community Development Foundation Component with a Land Use Designation of Medium Density Residential would be in keeping with current development in the area. This parcel is adjacent to areas currently constructed or under construction with a Land Use Designation of Medium Density Residential. Site topography is conducive to Medium Density Residential. Site fronts Scott Road which is a Urban Arterial Highway about 2 miles to access to the I-215 Freeway. All utilities exist at the site, topography lends it self to this type of project, site is close to the freeway, and medium density residential land use designation is consistent with projects in the area.

III. AMENDMENTS TO POLICIES:

(Note: A conference with Planning Department staff is required before application can be filed. Additional information may be required.)

A. LOCATION IN TEXT OF THE GENERAL PLAN WHERE AMENDMENT WOULD OCCUR:

Element: _____ Area Plan: _____

B. EXISTING POLICY (If none, write "none." (Attach more pages if needed): _____

C. PROPOSED POLICY (Attach more pages if needed): _____

**IHM Kyung Hwa Kay
c/o Joong H Choh
4N 680 Ware Woods Dr.
St. Charles, IL 60175
GPA921-Owner**

**Jaeihm Hyun
c/o Joong H. Choh
4N 680 Ware Woods Dr.
St. Charles, IL 60175
GPA921-Owner**

**Jae E. Han
c/o Joong H. Choh
4N 680 Ware Woods Dr.
St. Charles, IL 60175
GPA921-Owner**

**Rick Engineering / Mick Ratican
1223 University Ave. STE# 240
Riverside, CA 92507
GPA921-Engineer**

**Byongjin Gene Et Al
c/o Joong H. Choh
4N 680 Ware Woods Dr.
St. Charles, IL 60175
GPA921-Owner**

**Dr. Sook P. Choh
4N 680 Ware Woods Dr.
St. Charles, IL 60175
GPA921-ApPLICANT**

NOTICE OF PUBLIC HEARING
and
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

A **PUBLIC HEARING** has been scheduled, pursuant to Riverside County Land Use Ordinance No. 348, before the **RIVERSIDE COUNTY PLANNING COMMISSION** to consider the project shown below:

GENERAL PLAN AMENDMENT NO. 921 (Foundation and Entitlement/Policy) and **CHANGE of ZONE NO. 7763** – Intent to Adopt a Mitigated Negative Declaration – Applicant: Sook P. Choh – Engineer/Representative: Rick Engineering – Supervisorial District: Third – Area Plan: Sun City/Menifee Valley – Zone Area: Winchester – Zone: A-1-5 (Light Agriculture, 5-acre minimum) – Policy Areas: Estate Density Residential and Highway 79 – Location: North of Scott Road, south of Wickerd Road, east of El Centro, and west of Leon Road. – Project Size: 77.7 acres – **REQUEST:** Proposal to amend the project site's General Plan Foundation Component from Rural (R) to Community Development (CD), amend its Land Use Designation from Rural Residential (RR) (5-acre minimum) to Medium Density Residential (MDR) (2-5 du/ac), amend the General Plan Sun City/Menifee Area Plan Figure 4: Policy Areas Map, and change the site's zoning classification from A-1-5 (Light Agriculture, 5-acre minimum) to R-1 (One-Family Dwelling) on one parcel, totaling 77.7 acres.

TIME OF HEARING: **9:00 am** or as soon as possible thereafter
OCTOBER 21, 2015
RIVERSIDE COUNTY ADMINISTRATIVE CENTER
BOARD CHAMBERS, 1ST FLOOR
4080 LEMON STREET
RIVERSIDE, CA 92501

For further information regarding this project, please contact Project Planner, John Hildebrand, at 951-955-1888 or email jhildebr@rctlma.org or go to the County Planning Department's Planning Commission agenda web page at <http://planning.rctlma.org/PublicHearings.aspx>.

The Riverside County Planning Department has determined that the above project will not have a significant effect on the environment and has recommended adoption of a mitigated negative declaration. The Planning Commission will consider the proposed project and the proposed mitigated negative declaration, at the public hearing. The case file for the proposed project and the proposed mitigated negative declaration may be viewed Monday through Thursday, 8:30 a.m. to 5:00 p.m., at the County of Riverside Planning Department, 4080 Lemon Street, 12th Floor, Riverside, CA 92501. For further information or an appointment, contact the project planner.

Any person wishing to comment on a proposed project may do so, in writing, between the date of this notice and the public hearing or appear and be heard at the time and place noted above. All comments received prior to the public hearing will be submitted to the Planning Commission, and the Planning Commission will consider such comments, in addition to any oral testimony, before making a decision on the proposed project.

If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing, described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Be advised that, as a result of public hearings and comment, the Planning Commission may amend, in whole or in part, the proposed project. Accordingly, the designations, development standards, design or improvements, or any properties or lands, within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

Please send all written correspondence to:
RIVERSIDE COUNTY PLANNING DEPARTMENT
Attn: John Hildebrand
P.O. Box 1409, Riverside, CA 92502-1409

NOTICE OF PUBLIC HEARING SCHEDULING REQUEST FORM

DATE SUBMITTED: 09/21/2015

TO: Planning Commission Secretary

FROM: John Hildebrand

(Riverside)

PHONE No.: (951) 955-1888

E-Mail: jhildebr@rctlma.org

SCHEDULE FOR: Planning Commission on 10/21/2015

20-Day Advertisement: Advertisement Adopt Mitigate Negative Declaration

GENERAL PLAN AMENDMENT NO. 921 (Foundation and Entitlement/Policy) and CHANGE of ZONE NO. 7763 – Intent to adopt a Mitigated Negative Declaration – APPLICANT: Sook P. Choh – ENGINEER/REPRESENTATIVE: Rick Engineering – SUPERVISORIAL DISTRICT: Third – AREA PLAN: Sun City/Menifee Valley – ZONE AREA: Winchester – ZONE: A-1-5 (Light Agriculture, 5-acre minimum) – POLICY AREAS: Estate Density Residential and Highway 79 – LOCATION: North of Scott Road, south of Wickerd Road, east of El Centro, and west of Leon Road. – PROJECT SIZE: 77.7 acres – REQUEST: Proposal to amend the project site's General Plan Foundation Component from Rural (R) to Community Development (CD), amend its Land Use Designation from Rural Residential (RR) (5-acre minimum) to Medium Density Residential (MDR) (2-5 du/ac), amend the General Plan Sun City/Menifee Area Plan Figure 4: Policy Areas Map, and change the site's zoning classification from A-1-5 (Light Agriculture, 5-acre minimum) to R-1 (One-Family Dwelling) on one parcel, totaling 77.7 acres – APN: 466-220-029.

STAFF RECOMMENDATION:

- APPROVAL (CONSENT CALENDAR)
- APPROVAL
- APPROVAL WITHOUT DISCUSSION
- CONTINUE WITH DISCUSSION TO _____.
- CONTINUE WITHOUT DISCUSSION TO _____.
- CONTINUE WITHOUT DISCUSSION OFF CALENDAR
- DENIAL
- SCOPING SESSION
- INITIATION OF THE GENERAL PLAN AMENDMENT
- DECLINE TO INITIATE THE GENERAL PLAN AMENDMENT
- _____

Provide one set of mailing labels, including surrounding property owners, Non-County Agency and Interested Parties and, owner, applicant, and engineer/representative (*Confirmed to be less than 6 months old from date of preparation to hearing date*)

Provide one set of labels for owner, applicant, and engineer/representative.

Fee Balance: \$4,437.21, as of 09/21/2015.

CFG Case # CFG05093 - Fee Balance: \$ 64.00

Estimated amount of time needed for Public Hearing: 10 Minutes (*Min 5 minutes*)

Controversial: YES NO

Provide a very brief explanation of controversy (1 short sentence) Located within Highway 79 & EDR Policy Areas

Y:\Planning Case Files-Riverside office\GPA00921\GPA00921_PC_BOS_2015\GPA00921_PC_Hearing_Notice.docx

Revised: 9/21/15

PROPERTY OWNERS CERTIFICATION FORM

I, VINNIE NGUYEN, certify that on 9/2/2015,

The attached property owners list was prepared by Riverside County GIS,

APN (s) or case numbers CZ07763/GPA00921 For

Company or Individual's Name Planning Department,

Distance buffered 600'.

Pursuant to application requirements furnished by the Riverside County Planning Department, Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

NAME: Vinnie Nguyen

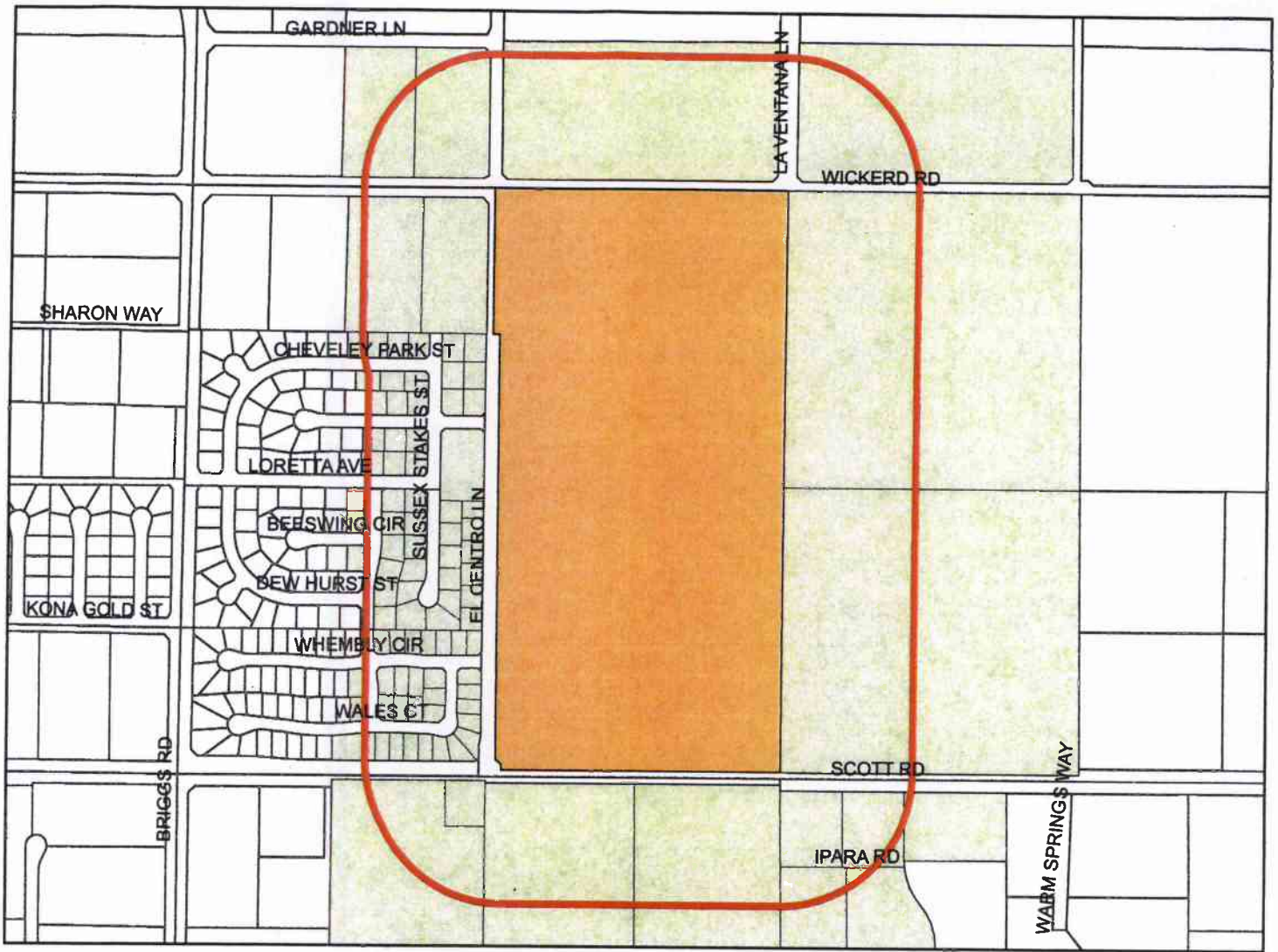
TITLE GIS Analyst

ADDRESS: 4080 Lemon Street 2nd Floor

Riverside, Ca. 92502

TELEPHONE NUMBER (8 a.m. – 5 p.m.): (951) 955-8158

CZ07763 / GPA00921 (600 feet buffer)



Selected Parcels

466-370-018	466-382-001	466-390-002	466-370-022	466-390-003	466-380-023	466-392-002	466-210-019	466-391-051	466-370-005
466-380-005	466-220-003	466-380-024	472-010-007	472-010-008	466-390-004	466-382-006	466-370-013	466-372-018	466-370-021
466-370-017	466-391-049	472-020-003	466-381-015	466-391-042	466-370-024	472-010-010	466-392-003	466-391-052	466-391-045
466-370-010	466-391-048	466-380-006	466-391-046	466-370-003	466-380-022	466-392-007	466-220-029	466-380-020	466-382-004
466-380-008	466-370-008	466-220-022	466-372-009	466-380-025	466-370-015	466-391-047	472-020-008	466-390-007	466-220-021
466-370-014	466-370-016	466-382-003	472-010-009	466-210-032	466-210-036	466-370-020	466-381-017	466-392-009	466-392-004
466-370-004	466-370-002	466-390-006	466-391-053	466-392-001	466-370-001	466-391-050	466-380-009	466-382-002	466-391-023
466-392-005	466-391-043	472-020-004	466-382-005	466-370-011	466-372-019	466-220-009	466-210-020	466-381-014	466-370-012
466-370-009	466-380-021	466-392-008	466-392-006	466-370-006	466-391-044	466-390-005	472-020-001	472-020-002	466-370-023
466-380-007	466-381-016	466-370-007	466-370-019	466-380-010	466-383-001	466-390-001	466-391-022		



830 415 0 830 Feet

Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

ASMT: 466210019, APN: 466210019
MARTHA MONGE, ETAL
30145 GARDNER LN
MENIFEE, CA. 92584

ASMT: 466220022, APN: 466220022
MARK JACKSON, ETAL
32575 EL CENTRO LN
MENIFEE, CA. 92584

ASMT: 466210020, APN: 466210020
ARLINE WYSCARVER, ETAL
30155 GARDNER LN
SUN CITY CA 92584

ASMT: 466220029, APN: 466220029
GENE BYONGJIN, ETAL
C/O HYUN JAEIHM
1 HEATH WAY
S BARRINGTON IL 60010

ASMT: 466210032, APN: 466210032
JV DEV
C/O JIM LYTLE
41391 KALMIA ST NO 200
MURRIETA CA 92562

ASMT: 466370001, APN: 466370001
MATT BURNELL, ETAL
32875 EL CENTRO LN
MENIFEE, CA. 92584

ASMT: 466210036, APN: 466210036
JVRL 220
C/O AMBER MANAGEMENT
29826 HAUN RD NO 305
MENIFEE CA 92584

ASMT: 466370002, APN: 466370002
LINA GLORE
32855 EL CENTRO LN
MENIFEE, CA. 92584

ASMT: 466220003, APN: 466220003
CALVARY CHAPEL OF MENIFEE
29220 SCOTT RD
MENIFEE CA 92584

ASMT: 466370003, APN: 466370003
GRETCHEN DALEY, ETAL
32835 EL CENTRO LN
MENIFEE, CA. 92584

ASMT: 466220009, APN: 466220009
MARIE MARCELLIN, ETAL
C/O MARIE E MARCELLIN
21 S ENCINO RD
LAGUNA BEACH CA 92651

ASMT: 466370004, APN: 466370004
DESIREE HENRY, ETAL
32815 EL CENTRO LN
MENIFEE, CA. 92584

ASMT: 466220021, APN: 466220021
DONG KIM, ETAL
32043 CAMINO RABAGO
TEMECULA CA 92592

ASMT: 466370005, APN: 466370005
KIMBERLY LYNN, ETAL
32795 EL CENTRO LN
MENIFEE, CA. 92584



ASMT: 466370006, APN: 466370006
JUNE SZUEBER, ETAL
C/O JUNE A SZUEBER
32770 SUSSEX STAKES ST
MENIFEE, CA. 92584

ASMT: 466370007, APN: 466370007
LAURA NGUYEN, ETAL
32790 SUSSEX STAKES ST
MENIFEE, CA. 92584

ASMT: 466370008, APN: 466370008
SYLVIA GUTMAN, ETAL
32810 SUSSEX STAKES ST
MENIFEE, CA. 92584

ASMT: 466370009, APN: 466370009
RYAN TIEGS
32830 SUSSEX STAKES ST
MENIFEE, CA. 92584

ASMT: 466370010, APN: 466370010
PAMELA SANICOLA, ETAL
32850 SUSSEX STAKES ST
MENIFEE, CA. 92584

ASMT: 466370011, APN: 466370011
GABRIELLE HENSLEY, ETAL
32870 SUSSEX STAKES ST
MENIFEE, CA. 92584

ASMT: 466370012, APN: 466370012
ROSALYN OMOYELE
32861 SUSSEX STAKES ST
MENIFEE, CA. 92584

ASMT: 466370013, APN: 466370013
DANIEL CARTER
32841 SUSSEX STAKES ST
MENIFEE, CA. 92584

ASMT: 466370014, APN: 466370014
MARILEE MORBO, ETAL
32821 SUSSEX STAKES ST
MENIFEE, CA. 92584

ASMT: 466370015, APN: 466370015
LETICIA AGUAYO, ETAL
32801 SUSSEX STAKES ST
MENIFEE, CA. 92584

ASMT: 466370016, APN: 466370016
MARIA POPP, ETAL
32781 SUSSEX STAKES ST
MENIFEE, CA. 92584

ASMT: 466370017, APN: 466370017
DENISE MIARS
32761 SUSSEX STAKES ST
MENIFEE, CA. 92584

ASMT: 466370018, APN: 466370018
DOROTHY AYALA, ETAL
32774 CHERRY HINTON ST
MENIFEE, CA. 92584

ASMT: 466370019, APN: 466370019
ELIZABETH CALDERA, ETAL
32794 CHERRY HINTON ST
MENIFEE, CA. 92584



ASMT: 466370020, APN: 466370020
ANDREA DIXON, ETAL
32814 CHERRY HINTON ST
MENIFEE, CA. 92584

ASMT: 466370021, APN: 466370021
PATRICIA CRUZ, ETAL
32834 CHERRY HINTON ST
MENIFEE, CA. 92584

ASMT: 466370022, APN: 466370022
HOLLY HUMPHREYS, ETAL
31805 TEMECULA PKY NO 378
TEMECULA CA 92592

ASMT: 466370023, APN: 466370023
YU LIN, ETAL
32874 CHERRY HINTON ST
MENIFEE, CA. 92584

ASMT: 466372009, APN: 466372009
ARTHUR HATHAWAY, ETAL
30197 BEESWING CIR
MENIFEE, CA. 92584

ASMT: 466372018, APN: 466372018
DANNY STEIDINGER
30198 BEESWING CIR
MENIFEE, CA. 92584

ASMT: 466372019, APN: 466372019
CHERYL ZABLOW, ETAL
30193 LORETTA AVE
MENIFEE, CA. 92584

ASMT: 466380005, APN: 466380005
SUBRINA NICHOLS, ETAL
C/O SUBRINA NICHOLS
30194 LORETTA AVE
MENIFEE, CA. 92584

ASMT: 466380006, APN: 466380006
REMEDIOS SMALL, ETAL
30214 LORETTA AVE
MENIFEE, CA. 92584

ASMT: 466380007, APN: 466380007
THAVONE PHETSARATH
30234 LORETTA AVE
MENIFEE CA 92584

ASMT: 466380008, APN: 466380008
LOLITA BALLESTEROS, ETAL
C/O LOLITA BALLESTEROS
30235 ROYAL HUNT ST
MENIFEE, CA. 92584

ASMT: 466380009, APN: 466380009
AMALIA PATINO, ETAL
30215 ROYAL HUNT ST
MENIFEE, CA. 92584

ASMT: 466380010, APN: 466380010
VICTOR HERRERA
30195 ROYAL HUNT ST
MENIFEE, CA. 92584

ASMT: 466380020, APN: 466380020
JACQUI SHANHOLTZER, ETAL
30196 ROYAL HUNT ST
MENIFEE, CA. 92584

ASMT: 466380021, APN: 466380021
SHARON ANDERSON, ETAL
30216 ROYAL HUNT ST
MENIFEE, CA. 92584

ASMT: 466381016, APN: 466381016
THERESSIA HOLLIS
30220 CHEVELEY PARK ST
MENIFEE, CA. 92584

ASMT: 466380022, APN: 466380022
MICHAEL ADAMS, ETAL
30236 ROYAL HUNT ST
MENIFEE, CA. 92584

ASMT: 466381017, APN: 466381017
DEBORAH MCNEELEY, ETAL
30240 CHEVELEY PARK ST
MENIFEE, CA. 92584

ASMT: 466380023, APN: 466380023
AUDREY VAN WEEMS
30241 CHEVELEY PARK ST
MENIFEE, CA. 92584

ASMT: 466382001, APN: 466382001
ANDREW MORALES
32650 SUSSEX STAKES ST
MENIFEE, CA. 92584

ASMT: 466380024, APN: 466380024
LUZ FERNANDEZ, ETAL
30221 CHEVELEY PARK ST
MENIFEE, CA. 92584

ASMT: 466382002, APN: 466382002
GAYLE HOBSON, ETAL
32670 SUSSEX STAKES ST
MENIFEE, CA. 92584

ASMT: 466380025, APN: 466380025
JIAQI ZHUANG, ETAL
30181 CHEVELEY PARK ST
MENIFEE, CA. 92584

ASMT: 466382003, APN: 466382003
DIANE SHIMIZU, ETAL
32690 SUSSEX STAKES ST
MENIFEE, CA. 92584

ASMT: 466381014, APN: 466381014
ROSA CANDELA
30180 CHEVELEY PARK ST
MENIFEE, CA. 92584

ASMT: 466382004, APN: 466382004
MELISSA TRUAX, ETAL
32695 EL CENTRO LN
MENIFEE, CA. 92584

ASMT: 466381015, APN: 466381015
CHRISTINE FARLAND, ETAL
30200 CHEVELEY PARK ST
MENIFEE, CA. 92584

ASMT: 466382005, APN: 466382005
ERIKA HAWKINS, ETAL
32675 EL CENTRO LN
MENIFEE, CA. 92584



ASMT: 466382006, APN: 466382006
KENDRA DORSEY, ETAL
32655 EL CENTRO LN
MENIFEE, CA. 92584

ASMT: 466390007, APN: 466390007
KATHERINE DAUZ, ETAL
30154 WHEMBLY CIR
MENIFEE, CA. 92584

ASMT: 466383001, APN: 466383001
WL HOMES
1628 JOHN F KENNEDY BLVD S
PHILADELPHIA PA 19103

ASMT: 466391022, APN: 466391022
WOODSIDE 05S
11870 PIERCE ST NO 250
RIVERSIDE CA 92505

ASMT: 466390002, APN: 466390002
BRANDI ROBLES, ETAL
30214 WHEMBLY CIR
MENIFEE, CA. 92584

ASMT: 466391023, APN: 466391023
PEGGY JACKSON
30138 WALES CT
MENIFEE, CA. 92584

ASMT: 466390003, APN: 466390003
ASHLEY COLLINS
30202 WHEMBLY CIR
MENIFEE, CA. 92584

ASMT: 466391042, APN: 466391042
JAN ADAMS, ETAL
30155 WALES CT
MENIFEE, CA. 92584

ASMT: 466390004, APN: 466390004
LAURIE TURNER, ETAL
30190 WHEMBLY CIR
MENIFEE, CA. 92584

ASMT: 466391043, APN: 466391043
TERRY KING, ETAL
30167 WALES CT
MENIFEE, CA. 92584

ASMT: 466390005, APN: 466390005
SUZANNE HATHCOCK
30178 WHEMBLY CIR
MENIFEE, CA. 92584

ASMT: 466391044, APN: 466391044
ROBIN GEERDES, ETAL
30179 WALES CT
MENIFEE, CA. 92584

ASMT: 466390006, APN: 466390006
LIST FAMILY
16200 DAVIS RD
MORENO VALLEY CA 92555

ASMT: 466391045, APN: 466391045
MARIA HARO, ETAL
30191 WALES CT
MENIFEE, CA. 92584



ASMT: 466391046, APN: 466391046
DONNA KATCHADOORIAN, ETAL
15986 SKYRIDGE DR
RIVERSIDE CA 92503

ASMT: 466391053, APN: 466391053
MARIGOLD OWNERS ASSN
C/O KEYSTONE COM INC
3088 PIO PICO DR STE 200
CARLSBAD CA 92008

ASMT: 466391047, APN: 466391047
KAREN KEELING, ETAL
30215 WALES CT
MENIFEE, CA. 92584

ASMT: 466392001, APN: 466392001
JULIE WILLIS, ETAL
32931 EDINBOROUGH WAY
MENIFEE, CA. 92584

ASMT: 466391048, APN: 466391048
DONNA MCNAUGHT TORRES, ETAL
30227 WALES CT
MENIFEE, CA. 92584

ASMT: 466392002, APN: 466392002
DOLORES CERAME, ETAL
32943 EDINBOROUGH WAY
MENIFEE, CA. 92584

ASMT: 466391049, APN: 466391049
CANDICE REED, ETAL
900 CRESTVIEW DR
MESQUITE NV 89027

ASMT: 466392003, APN: 466392003
ERIC RICE
32955 EDINBOROUGH WAY
MENIFEE, CA. 92584

ASMT: 466391050, APN: 466391050
MICHAEL ALBERTS
32950 EDINBOROUGH WAY
MENIFEE, CA. 92584

ASMT: 466392004, APN: 466392004
ROWENA DOMINGO, ETAL
30186 WALES CT
MENIFEE, CA. 92584

ASMT: 466391051, APN: 466391051
BETTY KLEIN
32938 EDINBOROUGH WAY
MENIFEE, CA. 92584

ASMT: 466392005, APN: 466392005
CHERYL BARTKUS, ETAL
30174 WALES CT
MENIFEE, CA. 92584

ASMT: 466391052, APN: 466391052
JULIETA VINLUAN, ETAL
32926 EDINBOROUGH WAY
MENIFEE, CA. 92584

ASMT: 466392006, APN: 466392006
ARMAND ARCHIBEK, ETAL
30162 WALES CT
MENIFEE, CA. 92584



ASMT: 466392007, APN: 466392007
HENG ING
30159 WHEMBLY CIR
MENIFEE, CA. 92584

ASMT: 466392008, APN: 466392008
SARA GRIFFITH
30171 WHEMBLY CIR
MENIFEE, CA. 92584

ASMT: 466392009, APN: 466392009
DANETTE MOORE, ETAL
30183 WHEMBLY CIR
MENIFEE, CA. 92584

ASMT: 472010007, APN: 472010007
DAVID WRIGHT, ETAL
6203 VARIEL AVE NO 116
WOODLAND HILLS CA 91367

ASMT: 472010008, APN: 472010008
ROBERT CHEN, ETAL
C/O KUANGLIEH HAN
3545 HOLMES CIR
HACIENDA HEIGHTS CA 91745

ASMT: 472010009, APN: 472010009
JUDITH SCHREIBER
8751 SAILPORT DR
HUNTINGTON BEACH CA 92646

ASMT: 472010010, APN: 472010010
EMWD
P O BOX 8300
PERRIS CA 92572

ASMT: 472020002, APN: 472020002
TANYA INV
C/O JENNIE IPARAGUIRRE
775 N SANDERSON AVE
SAN JACINTO CA 92582

ASMT: 472020003, APN: 472020003
ELLEN PETRYCA, ETAL
30515 IPARA RD
MENIFEE, CA. 92584

ASMT: 472020004, APN: 472020004
CYNTHIA COLLINS, ETAL
33095 MERRITT RD
MENIFEE, CA. 92584

ASMT: 472020008, APN: 472020008
ANN MCGRATH, ETAL
31265 MURRIETA RD
MENIFEE CA 92584



GPA00921 – Applicant
Dr. Sook P. Choh
4N 680 Ware Woods Dr.
St. Charles, IL 60175

GPA00921 – Applicant
Dr. Sook P. Choh
4N 680 Ware Woods Dr.
St. Charles, IL 60175

GPA00921 – Applicant
Dr. Sook P. Choh
4N 680 Ware Woods Dr.
St. Charles, IL 60175

GPA00921 – Applicant
Dr. Sook P. Choh
4N 680 Ware Woods Dr.
St. Charles, IL 60175

GPA00921 – Applicant
Dr. Sook P. Choh
4N 680 Ware Woods Dr.
St. Charles, IL 60175

GPA00921 – Applicant
Dr. Sook P. Choh
4N 680 Ware Woods Dr.
St. Charles, IL 60175

GPA00921 – Applicant
Dr. Sook P. Choh
4N 680 Ware Woods Dr.
St. Charles, IL 60175

GPA00921 – Owner
Dr. Sook P. Choh
4N 680 Ware Woods Dr.
St. Charles, IL 60175

GPA00921 – Owner
Dr. Sook P. Choh
4N 680 Ware Woods Dr.
St. Charles, IL 60175

GPA00921 – Owner
Dr. Sook P. Choh
4N 680 Ware Woods Dr.
St. Charles, IL 60175

GPA00921 – Owner
Dr. Sook P. Choh
4N 680 Ware Woods Dr.
St. Charles, IL 60175

GPA00921 – Owner
Dr. Sook P. Choh
4N 680 Ware Woods Dr.
St. Charles, IL 60175

GPA00921 – Owner
Dr. Sook P. Choh
4N 680 Ware Woods Dr.
St. Charles, IL 60175

GPA00921 – Owner
Dr. Sook P. Choh
4N 680 Ware Woods Dr.
St. Charles, IL 60175

GPA00921 – Representative
Rick Engineering c/o Richard O'Neil
1770 Iowa Avenue, Suite 100
Riverside, CA 92507

GPA00921 – Representative
Rick Engineering c/o Richard O'Neil
1770 Iowa Avenue, Suite 100
Riverside, CA 92507

GPA00921 – Representative
Rick Engineering c/o Richard O'Neil
1770 Iowa Avenue, Suite 100
Riverside, CA 92507

GPA00921 – Representative
Rick Engineering c/o Richard O'Neil
1770 Iowa Avenue, Suite 100
Riverside, CA 92507

GPA00921 – Representative
Rick Engineering c/o Richard O'Neil
1770 Iowa Avenue, Suite 100
Riverside, CA 92507

GPA00921 – Representative
Rick Engineering c/o Richard O'Neil
1770 Iowa Avenue, Suite 100
Riverside, CA 92507

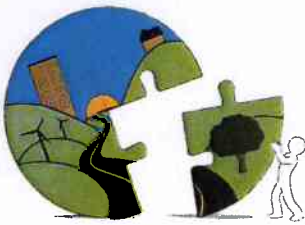
GPA00921 – Representative
Rick Engineering c/o Richard O'Neil
1770 Iowa Avenue, Suite 100
Riverside, CA 92507

Étiquettes faciles à peler
Utilisez le gabarit AVERY® 5160®

▲
Sens de
chargement

Repliez à la hachure afin de
révéler le rebord Pop-up^{MC}

www.avery.com
1-800-GO-AVERY



RIVERSIDE COUNTY PLANNING DEPARTMENT

Steven Weiss, AICP
Planning Director

TO: Office of Planning and Research (OPR)
P.O. Box 3044
Sacramento, CA 95812-3044
 County of Riverside County Clerk

FROM: Riverside County Planning Department
 4080 Lemon Street, 12th Floor
P. O. Box 1409
Riverside, CA 92502-1409

38686 El Cerrito Road
Palm Desert, California 92211

SUBJECT: Filing of Notice of Determination in compliance with Section 21152 of the California Public Resources Code.

GPA00921 & CZ07763
Project Title/Case Numbers

John Hildebrand
County Contact Person

(951) 955-1888
Phone Number

N/A
State Clearinghouse Number (if submitted to the State Clearinghouse)

Sook P. Choh
Project Applicant

4N 680 Ware Woods Drive, St. Charles, IL 60175
Address

North of Scott Road, south of Wickerd Road, east of El Centro, and west of Leon Road
Project Location

Proposal to amend the Riverside County General Plan Foundation Component from Rural (R) to Community Development (CD), amend the General Plan Land Use from Rural Residential (R:RR) (5-acre minimum) to Medium Density Residential (CD:MDR) (2-5 du/ac), amend the Estate Density Residential and Rural Residential Policy Area map by removal of this project site from its boundary, and a Change of Zone, to change the Zoning designation from A-1-5 (Light Agriculture, 5-acre minimum) to R-1 (One-Family Dwelling) on one parcel, totaling 77.7 acres.
Project Description

This is to advise that the Riverside County Board of Supervisors, as the lead agency, has approved the above-referenced project on October 21, 2015, and has made the following determinations regarding that project:

1. The project WILL NOT have a significant effect on the environment.
2. A MITIGATED NEGATIVE DECLARATION was prepared for the project pursuant to the provisions of the California Environmental Quality Act and reflects the independent judgment of the Lead Agency.
3. Mitigation measures WERE made a condition of the approval of the project.
4. A Mitigation Monitoring and Reporting Plan/Program WAS NOT adopted.
5. A statement of Overriding Considerations WAS NOT adopted
6. Findings were made pursuant to the provisions of CEQA.

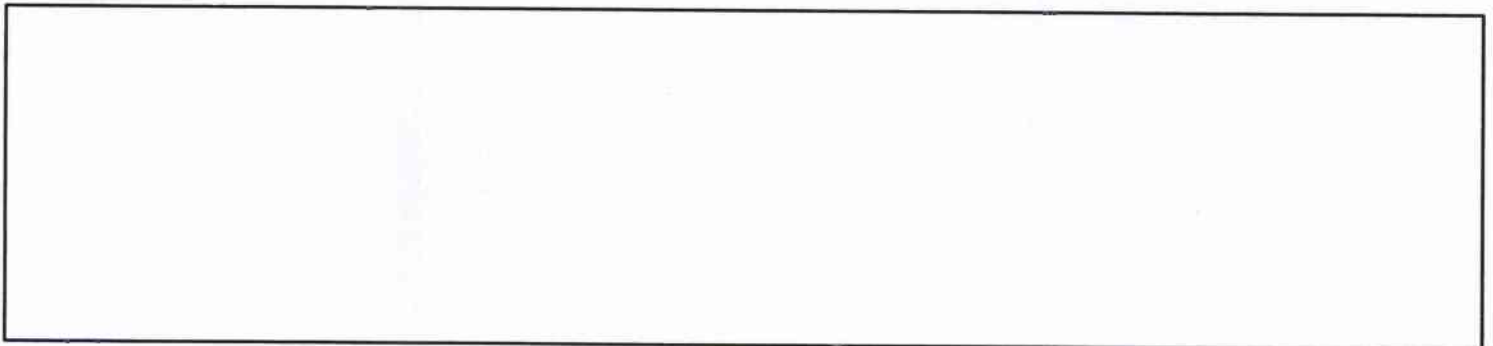
This is to certify that the earlier EA, with any comments, responses, and record of project approval is available to the general public at: Riverside County Planning Department, 4080 Lemon Street, 12th Floor, Riverside, CA 92501.

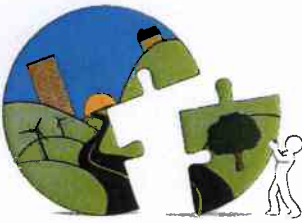
John Hildebrand
Signature

Project Planner
Title

09/01/2015
Date

Date Received for Filing and Posting at OPR: _____





RIVERSIDE COUNTY PLANNING DEPARTMENT

Steven Weiss, AICP
Planning Director

MITIGATED NEGATIVE DECLARATION

Project/Case Number: GPA00921 and CZ07763

Based on the Initial Study, it has been determined that the proposed project, subject to the proposed mitigation measures, will not have a significant effect upon the environment.

PROJECT DESCRIPTION, LOCATION, AND MITIGATION MEASURES REQUIRED TO AVOID POTENTIALLY SIGNIFICANT EFFECTS. (see Environmental Assessment and Conditions of Approval)

COMPLETED/REVIEWED BY:

By: John Hildebrand Title: Project Planner Date: August 26, 2015

Applicant/Project Sponsor: Sook P. Choh Date Submitted: February 14, 2008

ADOPTED BY: Board of Supervisors

Person Verifying Adoption: _____ Date: _____

The Mitigated Negative Declaration may be examined, along with documents referenced in the initial study, if any, at:

Riverside County Planning Department 4080 Lemon Street, 12th Floor, Riverside, CA 92501

For additional information, please contact John Hildebrand at (951) 955-1888.

Revised: 10/16/07
Y:\Planning Master Forms\Templates\CEQA Forms\Mitigated Negative Declaration.docx

Please charge deposit fee case#: ZEA41744 ZCFG05093

FOR COUNTY CLERK'S USE ONLY

COUNTY OF RIVERSIDE
SPECIALIZED DEPARTMENT RECEIPT
Permit Assistance Center

* REPRINTED * R0801285

4080 Lemon Street
Second Floor
Riverside, CA 92502
(951) 955-3200

39493 Los Alamos Road
Suite A
Murrieta, CA 92563
(951) 600-6100

38686 El Cerrito Road
Palm Desert, CA 92211
(760) 863-8277

Received from: CHOH DR SOOK P \$64.00
paid by: CK 1002 & 4302
paid towards: CFG05093 CALIF FISH & GAME: DOC FEE
CFG FOR EA41744
at parcel #:
appl type: CFG3

By _____ Feb 06, 2008 14:59
MGARDNER posting date Feb 06, 2008

Account Code	Description	Amount
658353120100208100	CF&G TRUST: RECORD FEES	\$64.00

Overpayments of less than \$5.00 will not be refunded!

Additional info at www.rctlma.org

COUNTY OF RIVERSIDE
SPECIALIZED DEPARTMENT RECEIPT
Permit Assistance Center

* REPRINTED * R1510795

4080 Lemon Street
Second Floor
Riverside, CA 92502
(951) 955-3200

39493 Los Alamos Road
Suite A
Murrieta, CA 92563
(951) 600-6100

38686 El Cerrito Road
Palm Desert, CA 92211
(760) 863-8277

Received from: CHOH DR SOOK P
paid by: CK 134 \$2,210.00
paid towards: CFG05093 CALIF FISH & GAME: DOC FEE
CFG FOR EA41744
at parcel #:
appl type: CFG3

By _____ Sep 28, 2015 09:16
MGARDNER posting date Sep 28, 2015

Account Code	Description	Amount
658353120100208100	CF&G TRUST	\$2,210.00

Overpayments of less than \$5.00 will not be refunded!

Additional info at www.rctlma.org

 **Verizon Message Center**

*This is a copy of an e-mail to
John Hilderbrand, Project Planner.*

Sunday, Jan 31 at 10:24 AM

From: Chris/Doug Farland <califchris@verizon.net>

To: jhilderbr@rctima.org

Subject: General Plan Amendment No. 921

I am writing this in opposition to the above mentioned amendment for 1,000 new homes on north of Scott Rd. in Menifee. I wish I could attend the meeting on Feb. 9th but I have to work so I am writing this to voice my opposition.

I live in the unincorporative housing track just west of where the development is to take place. To go to work in the morning I have to now leave home about 1/2 hr. earlier just to get through the Scott//Antelope intersection. It is a nightmare. Then coming home from Bundy Canyon is even worse. It backs up all the way from Murrieta Rd. and that could take another 1/2 hr just to get home. There is no alternative way once you are on Bundy Canyon. Most of the traffic is contributed to the new homes built on Briggs. The only way they have to get to the freeway is down Scott Rd. Now you want to add another 1,000 homes plus a High School on Scott without taking care of the Scott/Antelope intersection first is insane. I've talked to allot of people in the area and they are also concerned and hate how congested the area has become. I am not opposed to growth but not the way Menifee is doing it. I moved here 9 years ago from Orange County because of all the traffic and now we are just as bad or even worse. There was alternative roads to take if traffic was bad but here there are not any.

Also off of Scott they are planning more shopping centers, industrial complexes, and a Kaiser hospital. The Scott/215 interchange is still in the planning stage and won't even be considered until 2017. What are we going to do in the mean time???? I have also seen emergency vehicles having a hard time getting through the intersection and I hope no one has to die waiting for them to arrive. It is also a matter of time before there is a major accident on Scott and the 215 interchange. Cars coming down on the right hand lane on Scott wait till the last minute then cut cars off the go straight on Scott. It is like a while knuckle ride to just get through the intersection.

I bet no one in the Planning Commission lives off of Scott Rd. or they would not be in ¹⁰⁻⁵ favor of this. I do not think most people in the surrounding area knows about this new ^{219/110}

2010-2-130443

development because it is not widely advertised anywhere.

I only saw the signs on the area only because I live by the field but if you don't go over there you would not know about it. It will impact everyone who lives off of Scott in a big way.

If this plan goes through without taking care of the traffic I am considering getting out of the area before the value of my home goes down. Who would want to live here with all the traffic???? I hope you would take my concerns seriously because I know you are heading for a disaster. It doesn't take a brain scientist to figure this out.

Thank you for your consideration in this matter.

Chris Faulstich

Aparicio, Ashley

From: Dan Silver <dsilverla@me.com>
Sent: Saturday, February 06, 2016 12:55 PM
To: Benoit, John; Jeffries, Kevin; Ashley, Marion; District3; cwashington@rcbos.org; Tavaglione, John; COB
Cc: Johnson, George; Perez, Juan; Weiss, Steven; Clack, Shellie; Balderrama, Olivia; Field, John; Magee, Robert; Mike Gialdini; Hernandez, Steven
Subject: RE: Items 16-1, 16-3 to 16-6; Hearing Date: February 9, 2016
Attachments: EHL-BoS-Items16.1, 16.3 to 16.6-2.9.16.pdf

February 6, 2016

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

RE: Items 16-1, 16-3 to 16-6; Hearing Date: February 9, 2016

Dear Chairman Benoit and Members of the Board:

Please find written testimony for your consideration.

With best wishes,
Dan Silver

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

213-804-2750
dsilverla@me.com
www.ehleague.org

5010 2 19 11

16-5
2/9/16

2016-2-130477

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



February 6, 2016

VIA ELECTRONIC MAIL

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

RE: Items 16.1, 16-3 to 16-6, Hearing Date: February 9, 2016

Dear Chairperson Benoit and Members of the Board:

Endangered Habitats League (EHL) appreciates the opportunity to provide written testimony on three items before you. For your reference, EHL served on the advisory committees for all three components of the Riverside County Integrated Project. As you consider these items we urge discipline against *ad hoc* amendments to the General Plan that lack a compelling planning rationale.

Item 16-1 (Lake Mathews) – *Oppose*

This proposal would create a large residential lot subdivision from currently agricultural zoning. Such large lots are a highly inefficient use of land and create a maximally GHG-intensive pattern of development. There is no demonstrable need for additional such housing capacity.

Item 16-3, GPA 943 (Winchester) - *Oppose*

This proposal would violate an established boundary of Community Development and Rural Community. The *original* staff recommendation for denial of initiation was correct.

Item 16-4, GPA 945 – *Oppose*

The conversion of this 19-acre Rural parcel to Community Development (commercial retail) would “leapfrog” over vacant parcels already so designated. Note that this GPA was initially recommended for denial of initiation by staff.

Item 16-5, GPA 921 (Menifee Valley/Sun City) – *Oppose*

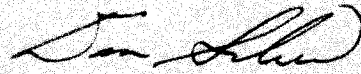
This 78-acre Rural property is in an area previously identified in the General Plan for its rural character. It functions as a "community separator." No significant new circumstances justify a foundation change to Community Development. *Indeed, with the incorporation of Menifee, any urbanization should proceed over time through an orderly process of annexation rather than through piecemeal tract maps in the unincorporated area.* No absorption analysis has demonstrated the need for more urban-designated land in the region, and even if so, there is no indication that this site is optimal from a greenhouse gas or planning perspective.

Item 16-6, GPA 997 – Oppose

The initial staff recommendation for *not* proceeded with this change from OS-Rural to CD-Light Industrial on 160 acres was based on no new conditions or circumstances, lack of infrastructure, and a surplus of unused Light Industrial land in the area. The proposed conversion of only part of the site does not change these facts.

Thank you for considering our views.

Yours truly,

A handwritten signature in black ink, appearing to read "Dan Silver", is written over a light gray rectangular background.

Dan Silver
Executive Director

Aparicio, Ashley

From: rick croy <rickcroy22@gmail.com>
Sent: Monday, February 08, 2016 10:17 PM
To: COB; District3; District5; District4 Supervisor John J Benoit; District2; Supervisor Jeffries - 1st District; Weiss, Steven; Straite, Matt; Hildebrand, John; Dawson, Brett
Subject: Fwd: GPA 921 Item 16.5 2 9 2016 agenda

Madame Clerk. For consideration at tomorrows meeting.
Thank you
Grant Becklund.

----- Forwarded message -----

From: "Grant Becklund" <grantbecklund@gmail.com>
Date: Feb 8, 2016 10:06 PM
Subject: text
To: "Rick Croy" <rickcroy22@gmail.com>
Cc:

Riverside County Board of Supervisors

4080 Lemon Street, 14thFloor

Riverside, CA 92501

RE: General Plan Amendment No. 921

Dear Supervisors,

The residents in the "Estate Density Residential and Rural Residential Area East of Interstate 215" respectfully request that this General Plan Amendment be denied as it does not comply with the goals and policies of the General Plan.

"Riverside County, like a quilt, is a composite of differing lifestyles connected together through common strands. The County's General Plan is designed to ensure that the quilt retains its core identity by guiding future growth that respects the diversity of the region, shapes and configures development in relation to the land it occupies and ensures that its various parts relate to its whole." - Riverside County Planning Department website

This project is located within the "Estate Density Residential and Rural Residential Area East of the 215" Policy Area. The Policy Area includes Policy SCMVAP 6.1, which states that "residential development in this area [i.e., the Policy Area] shall retain its existing estate density and rural character." It further requires that until the strong support for the preservation of the rural character of this area changes significantly, growth and development should be focused elsewhere. This Policy Area was recently reaffirmed by the approval of GPA 960 by the Board of Supervisors which has continued this support for rural areas.

Please be informed that in this area there is ^{virtually} ~~No Support~~ for any land use change in this area and the overwhelming consensus of the Area-Wide Property Owners is to remain rural. I have attached 426 signatures on various documents that have been prepared over the last two years in opposition to any application for a change to the land use by removing the rural designations and replacing them with urbanized high density land use:

112-5
219160
2016-2-130497

39 in opposition to any change on 2/17/2014

11 in opposition to any change on 4/18/2014

62 in opposition to any change on 4/23/2014

109 in opposition to any change on 6/18/2014

61 in opposition to any change on 11/24/2015

57 in opposition to any change on 1/21/2016

18 in opposition to any change on 1/31/2016

69 in opposition to any change on 2/8/2016

=====

Total 426 in opposition to any change

In addition there are 12 letters that have been written from the Endangered Habitats League, the City of Menifee and the Winchester Town Association that do not support the change of land uses in this area:

Endangered Habitats League:

2/13/2014

4/24/2014

9/5/2014

10/8/2015

2/6/2016

City of Menifee:

8/20/2014

10/8/2015

10/13/2015

12/14/2015

1/25/2016

Winchester Town Association:

8/20/2015

2/8/2016

We strongly support the preservation and development of this area as a rural community.

Aparicio, Ashley

From: Laurel McKee <laurel@socalceqa.com>
Sent: Monday, February 08, 2016 3:37 PM
To: COB
Cc: Raymond W. Johnson Esq. AICP LEED GA; Kendall Holbrook -AD
Subject: GPA 921 - Comment letter attached
Attachments: 2016.02.08 GPA 921 Comment Letter to BOS.pdf

Ms. Harper-Ihem:

Attached is a comment letter regarding GPA 921, a project which is slated to have a public hearing tomorrow (2/9/2016) at the Board Of Supervisors' meeting, agenda item 16-5. We appreciate your assistance in distributing this to each supervisor and appropriate staff prior to tomorrow's meeting.

Thanking you in advance for your help,

Laurel McKee

The above email is for intended recipient only and is confidential and protected by attorney/client privilege. If you are not the intended recipient, please advise the sender immediately. Unauthorized use or distribution is prohibited and may be unlawful.

Laurel L. McKee
Administrative Assistant to Raymond W. Johnson, Esq., AICP, LEED GA
Abigail A. Smith, Esq., Kimberly Foy, Esq., and Kendall Holbrook, Esq.
JOHNSON & SEDLACK
26785 Camino Seco
Temecula, CA 92590
Telephone: (951) 506-9925
Facsimile: (951) 506-9725
E-Mail: Laurel@SoCalCEQA.com

SENT: 2/8/2016 3:37 PM

16-5
219116
2016-2-130497

Johnson Sedlack

ATTORNEYS at LAW

Raymond W. Johnson, Esq., AICP, LEED GA
Carl T. Sedlack, Esq. Retired
Abigail A. Smith, Esq.
Kimberly Foy, Esq.
Kendall Holbrook, Esq.

26785 Camino Seco, Temecula, CA 92590

E-mail: Ray@SoCalCEQA.com

Abby@SoCalCEQA.com
Kim@SoCalCEQA.com
Kendall@SoCalCEQA.com
Telephone: (951) 506-9925
Facsimile: (951) 506-9725

February 8, 2016

Riverside County Board of Supervisors
Attn: Kecia Harper-Ihem, Clerk of the Board
4080 Lemon Street 12th Floor
Riverside, CA 92501
Email: cob@rcbos.org

VIA U.S. MAIL AND EMAIL

RE: *Agenda Number 16-5 – General Plan Amendment No. 921, Change of Zone No. 7723, Environmental Assessment No. 41744*

Dear Riverside County Board of Supervisors:

On behalf of concerned area residents, I hereby submit these comments in opposition to the adoption of a Mitigated Negative Declaration for, and approval of, General Plan Amendment No. 921 and Change of Zone No. 7723 (the "Project").

The Project site consists of 77.7 acres located north of Scott Road, south of Wickerd Road, east of El Centro Lane, and west of Leon Road in the Sun City/Menifee Valley Area Plan (APN 466-220-029). General Plan Amendment No. 921 proposes to amend the Riverside County General Plan Foundation Component from Rural (R) to Community Development (CD), amend the General Plan Land Use from Rural Residential (R:RR) (5-acre minimum) to Medium Density Residential (RC:MDR) (2-5 dwelling units/acre), and amend the General Plan Sun City/Menifee Area Plan Figure 4: Policy Areas Map. Change of Zone No. 7723 proposed to change the zoning designation from A-1-5 (Light Agriculture, 5-acre minimum) to R-1 (One-Family Dwelling).

GENERAL COMMENTS

The California Environmental Quality Act ("CEQA") was adopted as a disclosure and transparency document. The purpose of CEQA is to provide a document that adequately describes the environmental consequences of a project to decision makers and the public. (Pub. Res. Code § 21061; Cal. Code Regs., tit. 14 ("CEQA Guidelines"), § 15151.) The disclosure of a project's likely effects on the environment ensures CEQA's dual goals of environmental protection and informed self-government. (*See Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal. 3d 376, 392.) The core of this statutory structure is the sufficiency of the informational document.

Environmental Assessment No. 41744 for the Project fails as an informational document. CEQA requires that a lead agency consider not only the changes in language from a general plan amendment, but also “the ultimate consequences of such changes to the physical environment.” (*City of Redlands v. County of San Bernardino* (2002) 96 Cal. App. 4th 398, 409.)

Environmental review should focus on the project’s *secondary effects* as well as its immediate, primary impacts. (*City of Carmel-By-The-Sea v. Board of Supervisors of Monterey County* (1986) 183 Cal. App. 3d 229, 250, *City of Redlands*, 96 Cal. App. 4th at 412; CEQA Guidelines, § 15146(b).) Indirect or secondary effects include those “which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable”; “growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate”; “and related effects on air and water and other natural systems, including ecosystems.” (CEQA Guidelines, § 15358(a)(2).)

The Project has potentially significant impacts to/from aesthetics, air quality, biological resources, greenhouse gases, land use and planning, noise, traffic, and utility and service systems, among others. An EIR is required to evaluate, disclose, and mitigate for these significant impacts.

An EIR is required for any proposed project that may have a significant effect on the environment. (Pub. Res. Code, § 21100(a).) The EIR requirement is the “heart of CEQA.” (CEQA Guidelines, § 15003(a).) A lead agency may prepare a negative declaration for a proposed project only when there is not a fair argument based on substantial evidence in light of the whole record that the project *may* have a significant effect on the environment. (Pub. Res. Code, §§ 21064, 21100(a).) As the Project may result in significant indirect, secondary, and ultimate environmental impacts, reliance on a negative declaration is inappropriate. An EIR must be prepared.

FAILURE TO CONSIDER SECONDARY OR ULTIMATE ENVIRONMENTAL IMPACTS

CEQA requires that a lead agency conduct environmental review “at the earliest possible stage,” even though additional EIRs might be required for later phases of the project.” (*City of Carmel-By-The-Sea*, 183 Cal. App. 3d at 242 quoting *Bozung v. Local Agency Formation Comm’n of Ventura County* (1975) 13 Cal. 3d 263, 282.) Such review is mandated where impacts are *reasonably foreseeable*, even if some forecasting or speculation is required. (CEQA Guidelines, § 15358(a)(2).)

The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR...(b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow. [emphasis added]

Here, while the degree of specificity may be less, the County must nevertheless evaluate the secondary and ultimate effects of the proposed amendments *now*; not only with a later project level proposal.

In *Christward Ministry v. Superior Court* (1986) 184 Cal. App. 3d 180, 190-92, the court ordered that an EIR be prepared for a general plan amendment which would merely allow a new land use, finding that potentially significant effects would result from changed land use. Likewise, in *City of Redlands v. County of San Bernardino* (2002) 96 Cal. App. 4th 398, 409-410, the court of appeal held that the county wrongly failed to consider the environmental impacts of possible future development and growth from general plan amendments. The court stated, "CEQA reaches beyond the mere changes in the language of an agency's policy to the ultimate consequences of such changes to the physical environment." (*Id.* at 409.) In relying on later environmental review for specific future development, the county had improperly deferred full environmental assessment of the general plan amendments. (*Id.* at 410.)

The Environmental Assessment repeatedly relies on the following finding of fact to conclude the Project will have no impacts:

This is a programmatic level CEQA analysis. At this stage, the project does not provide the opportunity for physical disturbance of the site, as there is no associated development project. This project will result in amending the site's General Plan Land Use, the Estate Density Residential and Rural Residential Policy Area map, and the Zoning designation only, which could eventually lead to development on the property. Should a development proposal or land use application for subdividing, grading, or construction of the site be submitted, a subsequent Environmental Assessment shall be prepared to determine potential impacts. (EA No. 41744 pp. 6, 8-19, 24-27, 31-38.)

Such finding improperly defers analysis of the Project's environmental effects until the after the land use designation and zoning on the Project site has been changed and the County is committed to definite course of action of developing the Project site with greater residential density. (*See City of Redlands*, 96 Cal. App. 4th at 409-410, CEQA Guidelines § 15352 subd. (a).)

The staff report for the February 9, 2016 Board of Supervisors raises for the first time that the Environmental Impact Report for General Plan Amendment No. 960 justifies the use of a Mitigated Negative Declaration for the Project. (Board of Supervisors Agenda Item 16-5 Staff Report p. 3.) CEQA allows through tiering narrow EIRs or site-specific EIRs incorporating previously prepared environmental documents where a broader EIR covers general matters. (CEQA Guidelines, § 15385.) However, the EIR prepared for GPA No. 960 states "this EIR does not evaluate the site-specific impacts of the individuals GPAs listed. The 104-GPA applications (i.e., those not yet approved or denied by the Riverside County Board of Supervisors; the other 11 GPAs in the set are already adopted) must each undergo appropriate CEQA analysis and review in their own right, including any and all separate environmental studies deemed necessary on a case-by-case basis." (County of Riverside Environmental Impact Report No. 521 p. 5-44.) GPA No. 921 is included in the EIR for GPA No. 960 for purposes of evaluating impacts under a Cumulative Build Out Scenario only and is not appropriate for tiering as site specific impacts for GPA No. 921 were not evaluated in the EIR for GPA No. 960. Thus, reliance on this previously

prepared EIR for a different project does not justify a Mitigated Negative Declaration for GPA No. 921 where it may cause potentially significant environmental effects.

Secondary and ultimate impacts of and from greater development at the Project site must be considered by the County prior to considering approval of this Project, not delayed until subsequent review of a specific development project.

POTENTIAL SIGNIFICANT IMPACTS

The adoption of a Mitigated Negative Declaration for the Project is improper here where there is a fair argument of significant environmental impacts based on substantial evidence in the record. The Project may have significant environmental effects from changing the site from rural residential to medium density residential, including, but not limited to, aesthetics, air quality, biological resources, greenhouse gas emissions, land use/planning, noise, population and housing, traffic, utility and service systems, and other effects. An Environmental Impact Report must be prepared for the Project to adequately evaluate the Project's potentially significant effects.

Additionally, CEQA requires that where feasible mitigation exists which can substantially lessen the environmental impacts of a project, all feasible mitigation must be adopted. In this way CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. The only mitigation adopted for this Project is a requirement that the Project comply with the Highway 79 Policy Area through residential density reductions. Moreover, the Board of Supervisors staff report states that changes have been made to these mitigation measures, but they are not substantive in nature. (Board of Supervisors Submittal Agenda Number 16-5, p. 3.) There is no way for the public to evaluate this claim as the staff report does not include the revised mitigation measures, thus, thereby precluding public comment and the ability to exhaust administrative remedies on this issue. There is no mitigation for other impacts as the Environmental Assessment mistakenly concludes that the Project will not have any other potentially significant impacts. The adoption of feasible mitigation measures is essential to any approval of this Project.

Aesthetics

The Project site is currently vacant land and is surrounded by single-family detached homes to the west and vacant land to the north, east, and south. Although the Project does not propose any development at this time, the County must analyze the likely effects from the proposed general plan amendment and zone change. The current zoning on the Project site would permit 1 dwelling unit per 5-acre minimum on the 77.7-acre site or 15 dwelling units ($77.7 \text{ acres} \div 5 \text{ acres} = 15.54$). However, the Project is within the Highway 79 Policy Area and must reduce density by 9%. Therefore, 14 single-family residences would be allowed on the Project site under the current General Plan land use and zoning designations.

The proposed change in residential density to 2-5 dwelling units per 1-acre minimum could result in 155 dwelling units (2 dwelling units per 1-acre x 77.7 acres = 155.4 dwelling units) on the Project site on the low end and up to 388 units on the high end (5 dwelling units per 1-acre x

77.7 acres = 388.5 dwelling units). Applying the requirements of the Highway 79 Policy Area, 353 single-family residences would be permitted under the proposed Project.

The Environmental Assessment completely omits any discussion of whether the Project would “substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and unique or landmark features; obstruct any prominent scenic vista or view open to the public; or result in the creation of an aesthetically offensive site open to public view.” (EA No. 41744 p. 5.) From Scott Road at the south of the Project Site there are views of local hills to the northwest and the San Gorgonio Mountains to the north.¹ The Environmental Assessment lacks any evaluation of whether the intensity of use permitted by the proposed Project would impact such views.

There is a fair argument that the Project may have a significant effect on aesthetics from the intensification of use permitted by the Project. Secondary/indirect aesthetic impacts from obstructing views open to the public and damaging scenic resources on the Project site should be considered significant.

Air Quality

The Environmental Assessment completely fails to evaluate any secondary/indirect air quality impacts from the Project despite the fact that the Project will intensify use on the Project site increasing population and vehicle trips.

Secondary/indirect effects from increased vehicle travel to and from the Project site due to the General Plan amendment and change of zone could result in potentially significant air quality impacts. Residential developments are indirect sources that attract mobile source emissions from automobiles.² Emissions from mobile sources, including cars and trucks, account for roughly 90 percent of the cancer risk in the South Coast basin, which the Project site is located in. As discussed below, the Project has the potential to add 3,230.67 average daily vehicle trips.³ The Environmental Assessment admits that the Project will “result in an increase in population and/or vehicle trips at the time of build-out, based upon the proposed residential density change.” (EA No. 41744 p. 8.) Yet, the Environmental Assessment claims air quality impacts from the Project are less than significant, because subsequent environmental review will occur. (EA No. 41744 p. 9.) This deferral of the full environmental assessment of the Project’s consequences has been rejected by the courts and fails to comply with CEQA. (*See City of Redlands*, 96 Cal. App. 4th at 409-10.) Land use changes with resulting increases in mobile source emissions “adversely

¹ Street view on Google Maps of the Project site looking north from Scott Road. This link and all links cited herein are incorporated by reference. <https://www.google.com/maps/@33.6415471,-117.1276063a,75y,1.66h,73t/data=!3m6!1e1!3m4!1sRZ\JEbUK55zT6JtVbmeuUA!2e0!7i13312!8i6656?hl=en>.

² South Coast Air Quality Management District, Guidance Document for Addressing Air Quality issues in General Plans and Local Planning, p. 3-1 <<http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf?sfvrsn=4>>.

³ 3364.09 averaged daily vehicle trips – 133.42 average daily vehicle trips = 3230.67 average daily vehicle trips.

affects regional air quality, especially ozone levels and localized carbon monoxide concentrations.”⁴ These potential secondary/indirect impacts should be evaluated in an EIR.

The Environmental Assessment also lacks any analysis of cumulative impacts to air quality. General Plan Amendment No. 998 is located approximately one mile to the southeast of the Project site, and would change the land use designation from Rural Residential (5 acre minimum) to Medium Density Residential (2-5 dwelling units/acre) on 160 acres. General Plan Amendment No. 976 is located approximately a half mile to the east of the Project site, and proposes to change the land use designation from Rural Residential (5 acre minimum) to Medium Density Residential (2-5/dwelling units/acre) on 271 acres. Neither General Plan amendment nor any other project is considered in the context of cumulative Project impacts to air quality. The cumulative effect of the Project with other approved and pending projects must be evaluated in an EIR.

There is a fair argument of potentially significant air quality impacts based on substantial evidence that the Project will increase population and vehicle trips to/from the Project site. Such potentially significant impacts must be analyzed at this time in and mitigated, if necessary, in an EIR. The failure to evaluate the potential impacts and defer environmental review is contrary to the requirements of CEQA.

Biological Resources

The Environmental Assessment again improperly defers review of potential biological impacts to later stages, where CEQA requires that “an agency evaluate the environmental effects of a project at the earliest possible stage in the planning process.” (*City of Redlands*, 96 Cal. App. 4th at 410.)

Greenhouse Gas Emissions

Greenhouse gas (GHG) emissions arise from construction activities, area sources, and mobile sources, with mobile sources being the primary contributor to direct GHG emissions.⁵ The Project would result in an intensification of use, specifically increasing population and vehicle trips through increased density. As a result, the Project would cause increased GHG emission from at least mobile sources, i.e. vehicles driving to/from the Project site. Such increases in GHG emissions are potentially cumulatively considerable in light of the past, current, and proposed future projects in the area.

The Environmental Assessment does not discuss the new Governor’s Executive Order, B-30-15⁶, issued April 29, 2015. This Order requires a 40% reduction of GHGs below 1990 levels by year 2030. As the ultimate effects of the Project would be a new source of GHGs, the environmental

⁴ South Coast Air Quality Management District, Guidance Document for Addressing Air Quality issues in General Plans and Local Planning, p. 3-2.

⁵ California Environmental Protection Agency Air Resources Board, Greenhouse Gas Emission Inventory 2015 Edition, < <http://www.arb.ca.gov/cc/inventory/data/data.htm> >.

⁶ (<http://gov.ca.gov/news.php?id=18938>)

analysis of the Project must evaluate whether/how the Project is consistent with this new reduction target.

The Natural Resources Agency's CEQA Guideline on Determining the Significance of Impacts from Greenhouse Gas Emissions recommends that a lead agency attempt to "describe, calculate or estimate" a project's GHG emissions.⁷ A lead agency may consider such factors as: "(1) The extent to which a project would increase or decrease greenhouse gas emissions compared to the existing environmental setting; [¶] (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project[;] [¶] (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions" (CEQA Guidelines § 15064.4, subd. (b).)

The Environmental Assessment fails to describe or estimate the Project's GHG emissions in light of the fact that the Project would result in the intensification of use on the Project site. The Environmental Assessment states, "[A]ny future implementing project on this site will be required to comply with California's AB-32 greenhouse gas reduction requirements as well as Riverside County's Climate Action Plan." (EA No. 41744 p. 18.) There is no evidence that the increase in residential housing units on the Project site from 14 dwelling units to 353 dwelling units would comply with either the 30% statewide reduction required by AB 32 or Riverside County's Climate Action Plan. The average annual carbon dioxide (CO₂) emissions, a primary GHG emission from passenger vehicles, of a typical passenger vehicle is 4.7 metric tons of CO₂ per year.⁸ Other greenhouse gases produced by passenger vehicles are methane (CH₄), nitrous oxide (N₂O), and hydrofluorocarbon (HFC). The additional vehicle trips to/from the Project site alone will increase GHG emissions such that GHG emissions from the Project may be cumulatively considerable when other projects such as GPA 998 and GPA 976 are taken into account.

Land Use/Planning

To support the claim that "many property owners in the area who have collectively proposed a fundamental shift in land use for the area" justifies increased growth and development within the Sun City/Menifee Valley Area Plan, the Environmental Assessment discusses other pending general plan amendments. (EA No. 41744 pp. 22-23.) One of the general plan amendments cited in the Environmental Assessment is this Project, GPA No. 921, which says "other similar General Plan Amendment proposals in the immediate area, including **Nos. 921** and 926 for conversion of the land use to Medium Density Residential (2-5 du/ac) as well. However these two applications have been withdrawn, but may be resubmitted during the next Foundation cycle change, scheduled for Q1 or Q2 of 2016." (EA No. 41744 p. 23 [emphasis added].) This inaccuracy regarding the statement that this pending Project has been withdrawn and the attempt

⁷ California Natural Resources Agency, Final Statement of Reasons for Regulatory Action, p. 81 <http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf>.

⁸ Environmental Protection Agency, Greenhouse Gas Emissions from a Typical Passenger Vehicle, p. 2 <<http://www3.epa.gov/otaq/climate/documents/420f14040a.pdf>>.

to show that the perspective of local residents and property owners has changed significantly based on the pending Project is misleading and must be corrected.

Moreover, four pending General Plan Amendments do not demonstrate that “many property owners in the area [] have collectively proposed a fundamental shift in land use for the area.” (EA No. 41744 p. 23.) The low intensity qualities of the area are still strongly support by local residents and property owners and the fact that four property owners desire denser development on their properties does not show that the perspective has changed *significantly*.

Not only is the Project inconsistent with the Estate Density Residential and Rural Residential Policy Area, but it also would cumulatively result in a substantial alteration of the present land use of the area such that impacts should be considered potentially significant. The Project is not consistent with the existing zoning to the north (Residential Agriculture, 5-acre minimum) and east (Light Agriculture, 5-acre minimum). Nor is the Project is consistent with the land use designations to the north (Estate Density Residential (2-acre minimum)) and east (Rural Residential (5-acre minimum)) of the Project site. Based on these inconsistencies, impacts should be considered potentially significant. An EIR is required to further analyze and mitigate potentially significant land use/planning impacts.

Noise

The Project is approximately one half mile away from a private airstrip, Pines Airpark.⁹ The Environmental Assessment fails to consider whether the Project would expose future residents to excessive noise levels as the Project is in the vicinity of this private airstrip. (EA No. 41744 p. 25.) Noise from the private airstrip must be adequately considered prior to Project approval.

Population and Housing

The Project would induce substantial population growth in the area directly by changing the land use designation and zoning on the Project site to allow significantly denser residential development. Under the current land use designation and zoning that allows 1 dwelling unit per 5-acres, 14 dwelling units could be developed on the Project site. However, under the Medium Density Residential land use designation the Project site could accommodate from 154 to 353 dwelling units. The Environmental Assessment uses the midpoint of potential residential density to determine the Project could increase the population on the Project site by 770 persons. (EA No. 41744 p. 28.) Yet, based on the highest permitted density under the Project, the population could increase by 1,020 residents. ($[353 \text{ dwelling units} \times 3.01 \text{ residents/dwelling unit}] - [14 \text{ dwelling units} \times 3.01 \text{ residents/dwelling unit}] = 1,020.39 \text{ residents}$.) Due to this potential population increase, the Project's ability to induce substantial population growth in the area seems significant.

⁹Airport-Data.com, Pines Airpark Airport (bCA5) Information, < <http://www.airport-data.com/airport/8CA5/>>. <https://www.google.com/maps/dir/33.6453879,-117.1111467/32531-32587+Leon+Rd,+Winchester,+CA+92596/@33.6469063,-117.128227,15z/data=!4m8!4m7!1m0!1m5!1m1!1s0x80db632e962854fb:0xe7f583644f13e34d!2m2!1d-117.1191261!2d33.6452826>

Traffic

The estimated average daily vehicle trip generation rate for Land Use 210 Single-Family Detached Housing is 9.53 average daily vehicle trips per dwelling unit.¹⁰ The increase in intensification of use could result in up to 353 dwelling units on the Project site compared to the 14 dwelling units which could be developed under the current land use designation. Applying the Single-Family Detached Housing trip generation rate to the range of development that would be allowed under the Project demonstrates how drastically traffic would increase. The current land use designation would result in 133.42 average daily vehicle trips (9.53 average daily vehicle trips per dwelling unit x 14 dwelling units). Assuming the Project is developed with the lowest density of 2 dwelling units per 1-acre minimum, the Project site could accommodate 154 dwelling units resulting in 1,467.62 average daily vehicle trips (9.53 average daily vehicle trips per dwelling unit x 154 dwelling units = 1,467.62 average daily vehicle trips). Should the Project site be developed with the highest density that would be permitted under the proposed land use designation, the Project site could accommodate up to 353 dwelling units resulting in 3,364.09 average daily vehicle trips (9.53 average daily vehicle trips per dwelling unit x 353 dwelling units = 3,364.09 average daily vehicle trips).

The proposed general plan amendment and zoning change would result in far greater traffic than currently generated by the undeveloped Project site or permitted under the current land use and designations. While the Project adopts mitigation so the Project does not conflict with the Highway 79 Policy, there is no consideration of the potential traffic increase on level of service standards or other congestion management programs. The ultimate impacts from the increased intensity of use, potentially 1,467.62 to 3,364.09 average daily vehicle trips based on potential development of the Project site, are not considered in the Environmental Assessment. Such impacts must be evaluated and mitigated in an EIR before the Project is approved.

Utility and Service Systems

The Environmental Assessment concludes there would be no impacts to water service systems despite the fact that the Project would increase the residential density permitted on the Project site. (EA No. 41744 p. 34.) Yet, there is no consideration of whether there are sufficient water supplies available to serve the Project from existing entitlements and resources.

The Project site is within the Eastern Municipal Water District, which is a member agency of Metropolitan Water District of Southern California.¹¹ The two main sources of water supplies for the Metropolitan Water District of Southern California are the State Water Resources Project and

¹⁰ See Institute of Transportation Engineers, *Trip Generation* (7th ed. 2003), Vol. 2 pp. 269, 274, 276 ((9.57 average trips/dwelling unit weekday x 5 days) + 10.10 average trips/dwelling unit Saturday + 8.78 average trips/dwelling unit Sunday) ÷ 7 days = 9.53 average daily trips per dwelling unit).

¹¹ Board Member Divisions, Eastern Municipal Water District, <<http://www.emwd.org/meet-emwd/board-of-directors/board-member-divisions>>. Member Agencies, The Metropolitan Water District of Southern California, <<http://www.mwdh2o.com/WhoWeAre/Member-Agencies/Pages/default.aspx>>.

the Colorado River.¹² The State Water Resources Project is supplied largely by Sierra Nevada snowpack.¹³

In January 2014, Governor Edmund G. Brown Jr. declared a drought state of emergency as California entered its four consecutive year of drought.¹⁴ Governor Brown then issued twenty-five percent statewide mandatory water reductions in April 2015.¹⁵ Most recently, Governor Brown issued an additional state order to continue current actions and implement new actions in response to drought conditions.¹⁶ Despite the El Nino weather system bringing a slightly above average snowpack, the drought will likely continue.¹⁷ Additionally, California has agreed to gradually reduce the state's use of its 4.4 million acre-feet apportionment of the Colorado River by 2017.¹⁸ There is no evaluation of these restrictions on the Eastern Municipal Water District's supply and ability to service residential developments that would be possible under the Project. Given the severe multi-year drought currently affecting California, water supply impacts from the Project's intensification of residential density are not sufficiently analyzed.

The Environmental Assessment also fails to actually analyze sewer and solid waste impacts from the Project. The Environmental Assessment repeats the findings of fact from the water section stating, "at this stage, the specific size and need of water infrastructure to the area, is too speculative to analyze as there is no implementing project." (EA No. 41744 pp. 35, 36.) This does not address whether the Project would require or result in the construction of new wastewater treatment facilities, including septic systems, or expansion of existing facilities, the construction of which would cause significant environmental effects, or whether the Project is served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs or comply with federal, state, and local statutes and regulations related to solid wastes. The County must evaluate whether such impacts would occur as the current findings of fact in the Environmental Assessment do not address this issue.

The Environmental Assessment fails to evaluate the ultimate impacts of the Project. As there is a fair argument of substantial environmental effects, the County must prepare an EIR for the Project to fully analyze such effects.

¹² Sources of Supply, Eastern Municipal Water District, <<http://www.mwdh2o.com/AboutYourWater/Sources%20Of%20Supply/Pages/default.aspx>>.

¹³ Water Supply Conditions, The Metropolitan Water District of Southern California, <http://www.mwdh2o.com/PDF_About_Your_Water/2.2.4_water_supply_conditions.pdf>.

¹⁴ Governor Brown Declares Drought State of Emergency, Office of Governor Edmund G. Brown Jr., January 1, 2014 <<https://www.gov.ca.gov/news.php?id=18368>>.

¹⁵ Governor Brown Directs First Ever Statewide Mandatory Water Reductions, Office of Governor Edmund G. Brown Jr., April 1, 2015 <<https://www.gov.ca.gov/news.php?id=18910>>.

¹⁶ Governor Brown Issues Executive Order to Bolster State's Drought Response, Office of Governor Edmund G. Brown Jr., November 13, 2015 <<https://www.gov.ca.gov/news.php?id=19191>>.

¹⁷ California Farmers Brace for Water Shortage Despite El Nino,

¹⁸ Colorado River Aqueduct, the Metropolitan Water District of Southern California, <http://www.mwdh2o.com/AboutYourWater/Sources%20Of%20Supply/Pages/Imported.aspx#tabs-State_Water_Project_SWP_>.

THE FINDINGS NEEDED FOR A GENERAL PLAN AMENDMENT CANNOT BE MADE

A resolution recommending approval of a regular Foundation Component Amendment must be supported by “findings, based on substantial evidence, that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Visions, and that they would not create an internal inconsistency among the elements of the General Plan.” (Riverside County Ordinance No. 348, art. II § 2.5(g) (emphasis added).) The County cannot make the needed findings in support of GPA No. 921.

The County also fails to provide substantial evidence that the Project “does not involve a change in or conflict with: (1) the Riverside County Vision; and (2) that the change would not create an internal inconsistency among the elements of the General Plan.”

The Riverside County General Plan Vision element states, “The extensive heritage of rural living continues to be accommodated in areas committed to that lifestyle and its sustainability is reinforced by the strong open space and urban development commitments provided for elsewhere in the RCIP.” (Riverside County General Plan Vision Statement, p. V-15.) This Project conflicts with this aspect of the Riverside County Vision as the Project would favor urban development over the heritage of rural living established in the area of the Project site.

The Project also would create a conflict with Riverside County General Plan principles. For example, policy LU 3.5 states “Prepare a community separators map or overlay that will illustrate the intent of the County of Riverside and its residents that the County’s distinctive community identities be maintained and not be absorbed in a sea of continuous suburban development.” This Project would eliminate the distinctive Estate Density Residential and Rural Residential character of the community and create a sea of continuous suburban sprawl conflicting with this policy.

LU 6.1 “[r]equires land uses to develop in accordance with the General Plan and area plans to ensure compatibility and minimize impacts. (AI 1, 3).” The Project would conflict with the Estate Density Residential and Rural Residential Policy Area of the Sun City/Menifee Area Plan and thus conflict with this policy. The Project requires the removal of the Project site from the Estate Density Residential and Rural Residential Policy Area of the Sun City/Menifee Area Plan. This policy provides,

The residential area consists of rural estate development, with custom house development as the main pattern. The character is rural in intensity, but more in line with estate development as it has traditionally been developed. The low intensity qualities of this area are well established and strongly supported by local residents and property owners. Until the perspective changes significantly, growth and development should be focused elsewhere.

The Planning Commission Staff Report states “the policy area also states that should the general consensus of the property owners within the area change, denser development patterns could occur.” (Planning Commission Staff Report Agenda Item No. 4.1, October 21, 2015, p. 3.) It

goes on to rely on two other proposed General Plan amendments and two withdrawn General Plan amendments within the vicinity of the Project to reason that there has been a shift in land use for the area. Despite the staff report's misinterpretation of the policy, the policy states in no uncertain terms that "[u]ntil the perspective [of local residents and property owners] changes significantly, growth and development should be focused elsewhere." (Planning Commission Staff Report Agenda Item No. 4.1, October 21, 2015, p. 2.) Three proposed General Plan amendments do not demonstrate that the perspective of the local residents and property owners has changed *significantly* to support higher density development. In fact, local residents and property owners continue to support the low intensity qualities of the area around the Project. Thus there has not been a significant change in the perspective of local residents and property owners, let alone a "general consensus" among the property owners in the area that denser development should occur. Removing the Project site from the Policy Area is not in line with the Policy or the desire of the local residents and property owners.

While three pending General Plan Amendments along Scott Road propose General Plan Foundation Component Amendment applications, this hardly demonstrates "a general area-wide property owner consensus to change the land use pattern" as two of the original five General Plan Amendments have been withdrawn and local residents and property owners support low intensity development.

The County cannot make the finding that "The proposed change does not involve a change in or conflict with: (a) The Riverside County Vision; (b) Any General Plan Principle; or (c) Any Foundation Component designation in the General Plan except as otherwise expressly allowed."

The Project would conflict with policy LU 12.1 "Provide land use arrangements that reduce reliance on the automobile and improve opportunities for pedestrian, bicycle, and transit use in order to minimize congestion and air pollution" as the Project is not located near any community or employment centers or public transit so the Project would increase reliance on automobiles and not provide opportunities for pedestrian, bicycle, or transit use. As the main road to access the Project site is a two lane road, Scott Road, it is uncertain that the road would be able to adequately handle a Medium Density Residential development. Thus, the Project also conflicts with policy LU 12.6 "Require that adequate and accessible circulation facilities exist to meet the demands of a proposed land use. (AI 3)."

As discussed above, the Project may have significant environmental effects to scenic vistas and views and the Project would conflict with policies LU 13.1 "Preserve and protect outstanding scenic vistas and visual features for the enjoyment of the traveling public. (AI 32, 79)." And OS 21.1 "Identify and conserve the skylines, view corridors, and outstanding scenic vistas within Riverside County. (AI 79)."

Moreover, the staff report repeatedly mischaracterizes any development that may occur on the Project site as "infill residential development." (Planning Commission Staff Report Agenda Item No. 4.1, October 21, 2015, pp. 7-8.) The California Governor's Office of Planning & Research defines infill development as "building within unused and underutilized lands within existing

development patterns, typically but not exclusively in urban areas.”¹⁹ The purpose of infill development is to accommodate growth and reduce sprawl. Further, CEQA defines an infill site as:

[A] site in an urbanized area that meets either of the following criteria:

(a) The Site has not been previously developed for urban uses and both of the following apply:

(1) The site is immediately adjacent to parcels that are developed with qualified urban uses, or at least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses and the remaining 25 percent of the site adjoins parcels that have previously been developed for qualified urban uses.

(2) No parcel within the site has been created within the past 10 years unless the parcel was created as a result of the plan of a redevelopment agency.

(b) The site has been previously developed for qualified urban uses. (Pub. Res. Code, § 21061.3.)

This Project is exactly the type of project that would contribute to sprawl and would locate a new residential project within an area designated for reduced development intensity. The Project site is not used land within an urban area that should be used to promote compact development. Rather, the Project site is located within the unincorporated area of Riverside County and is an area that has been designated for reduced development density. Moreover, this site has not been previously developed for any use let alone qualified urban uses, nor is it immediately adjacent to at least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses as the Project site is surrounded by vacant land to the north, east, and south. The only development adjacent to the Project site is single family residential to the west. Thus, any development that would occur under the Project is not infill development.

The Project site is not currently located in a Community Development area and requires a general plan amendment in order to not conflict with Policy 3.1(b) which promotes infill development in Community Development areas. As the Project is not in a Community Development area or near employment or community centers, the Project will not “further the General Plan’s goals though [sic] enabling infill residential development in logical location.” (Planning Commission Staff Report Agenda Item No. 4.1, October 21, 2015, p. 8.) Rather, the Project would only promote suburban sprawl and conflict with the General Plan vision that “[t]he extensive heritage of rural living continues to be accommodated in areas committed to that lifestyle and its sustainability is reinforced by the strong open space and urban development commitments provided for elsewhere in the RCIP.” (Riverside County General Plan, p. V-15.)

The County cannot make the finding that “The proposed amendment would either contribute to the achievement of the purposes of the General Plan or, at a minimum, would not be detrimental to them.”

¹⁹ The Governor’s Office of Planning & Research, Infill Development, <https://www.opr.ca.gov/s_infilldevelopment.php>.

For reasons discussed above, the Project would be detrimental to policy LU 2.1 "Accommodate land use development in accordance with the patterns and distributions of use and density depicted on the General Plan Land Use Map (Figure LU-1) and the Area Plan Land Use Maps, in accordance with . . . [c]oncentrate[ing] growth near community centers that provide a mixture of commercial, employment, entertainment, recreation, civic, and cultural uses to the greatest extent possible, [c]oncentrat[ing] growth near or within existing urban and suburban areas to maintain the rural and open space character of Riverside County to the greatest extent possible . . . [and] [s]it[ing] development to capitalize upon multi-modal transportation opportunities and promote compatible land use arrangements that reduce reliance on the automobile."

The County cannot make the finding that "Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan."

The General Plan anticipated that suburban sprawl may try to impact this area by placing it within the Estate Density Residential and Rural Residential Policy Area which states in part, "The low intensity qualities of this area are well established and strongly supported by local residents and property owners. Until the perspective changes significantly, growth and development should be focused elsewhere." Applications for general plan amendments by three land owners does not demonstrate that the perspective has changed significantly. Moreover, any change in perspective was anticipated in this Policy such that these general plan amendment applications do not constitute special circumstances or conditions that were not anticipated in preparing the General Plan. For these reasons, the County cannot make the necessary Foundation and Entitlement/Policy Amendment findings.

CONCLUSION

The Project should be denied as the Mitigated Negative Declaration does not comply with CEQA and the County cannot make the required findings for a General Plan amendment. The Mitigated Negative Declaration is improper where the Project may have a substantial environmental impact to, at least, aesthetics, air quality, biological resources, greenhouse gas emissions, land use and planning, noise, population and housing, traffic, and utility and service systems. An EIR must be prepared to fully evaluate the Project's ultimate effects and mitigate substantial impacts. GPA No. 921 should be denied as findings for the General Plan amendment cannot be made where the amendment conflicts with General Plan Vision and policies, the amendment may be detrimental to the General Plan, and no special circumstances require its adoption.

Thank you for your consideration of these comments.

Sincerely,



Raymond W. Johnson
JOHNSON & SEDLACK

RAYMOND W. JOHNSON, Esq., AICP LEED GA
26785 Camino Seco
Temecula, CA 92590
(951) 506-9925
(951) 506-9725 Fax
(951) 775-1912 Cellular

Johnson & Sedlack, an Environmental Law firm representing plaintiff environmental groups in environmental law litigation, primarily CEQA.

City Planning:

Current Planning

- Two years principal planner, Lenexa, Kansas (consulting)
- Two and one half years principal planner, Lee's Summit, Missouri
- One year North Desert Regional Team, San Bernardino County
- Thirty years subdivision design: residential, commercial and industrial
- Thirty years as applicants representative in various jurisdictions in: Missouri, Texas, Florida, Georgia, Illinois, Wisconsin, Kansas and California
- Twelve years as applicants representative in the telecommunications field

General Plan

- Developed a policy oriented Comprehensive Plan for the City of Lenexa, Kansas.
- Updated Comprehensive Plan for the City of Lee's Summit, Missouri.
- Created innovative zoning ordinance for Lenexa, Kansas.
- Developed Draft Hillside Development Standards, San Bernardino County, CA.
- Developed Draft Grading Standards, San Bernardino County.
- Developed Draft Fiscal Impact Analysis, San Bernardino County

Environmental Analysis

- Two years, Environmental Team, San Bernardino County
 - Review and supervision of preparation of EIR's and joint EIR/EIS's
 - Preparation of Negative Declarations
 - Environmental review of proposed projects
- Eighteen years as an environmental consultant reviewing environmental documentation for plaintiffs in CEQA and NEPA litigation

Representation:

- Represented various clients in litigation primarily in the fields of Environmental and Election law. Clients include:
 - Sierra Club
 - San Bernardino Valley Audubon Society
 - Sea & Sage Audubon Society
 - San Bernardino County Audubon Society
 - Center for Community Action and Environmental Justice
 - Endangered Habitats League
 - Rural Canyons Conservation Fund
 - California Native Plant Society
 - California Oak Foundation
 - Citizens for Responsible Growth in San Marcos
 - Union for a River Greenbelt Environment
 - Citizens to Enforce CEQA
 - Friends of Riverside's Hills
 - De Luz 2000
 - Save Walker Basin
 - Elsinore Murrieta Anza Resource Conservation District

Education:

- B. A. Economics and Political Science, Kansas State University 1970
- Masters of Community and Regional Planning, Kansas State University, 1974
- Additional graduate studies in Economics at the University of Missouri at Kansas City
- J.D. University of La Verne. 1997 Member, Law Review, Deans List, Class Valedictorian, Member Law Review, Published, Journal of Juvenile Law

Professional Associations:

- Member, American Planning Association
- Member, American Institute of Certified Planners
- Member, Association of Environmental Professionals
- Member, U.S. Green Building Council, LEED GA

Johnson & Sedlack, Attorneys at Law

26785 Camino Seco
Temecula, CA 92590
(951) 506-9925

12/97- Present

Principal in the environmental law firm of Johnson & Sedlack. Primary areas of practice are environmental and election law. Have provided representation to the Sierra Club, Audubon Society, AT&T Wireless, Endangered Habitats League, Center for Community Action and Environmental Justice, California Native Plant Society and numerous local environmental groups. Primary practice is writ of mandate under the California Environmental Quality Act.

Planning-Environmental Solutions

26785 Camino Seco
Temecula, CA 92590
(909) 506-9825

8/94- Present

Served as applicant's representative for planning issues to the telecommunications industry. Secured government entitlements for cell sites. Provided applicant's representative services to private developers of residential projects. Provided design services for private residential development projects. Provided project management of all technical consultants on private developments including traffic, geotechnical, survey, engineering, environmental, hydrogeological, hydrologic, landscape architectural, golf course design and fire consultants.

San Bernardino County Planning Department

Environmental Team
385 N. Arrowhead
San Bernardino, CA 92415
(909) 387-4099

6/91-8/94

Responsible for coordination of production of EIR's and joint EIR/EIS's for numerous projects in the county. Prepared environmental documents for numerous projects within the county. Prepared environmental determinations and environmental review for projects within the county.

San Bernardino County Planning Department

General Plan Team
385 N. Arrowhead
San Bernardino, CA 92415
(909) 387-4099

6/91-6/92

Created draft grading ordinance, hillside development standards, water efficient landscaping ordinance, multi-family development standards, revised planned development section and fiscal impact analysis. Completed land use plans and general plan amendment for approximately 250 square miles. Prepared proposal for specific plan for the Oak Hills community.

San Bernardino County Planning Department

North Desert Regional Planning Team
15505 Civic
Victorville, CA
(619) 243-8245

6/90-6/91

Worked on regional team. Reviewed general plan amendments, tentative tracts, parcel maps and conditional use permits. Prepared CEQA documents for projects.

Broadmoor Associates/Johnson Consulting

229 NW Blue Parkway
Lee's Summit, MO 64063
(816) 525-6640

2/86-6/90

Sold and leased commercial and industrial properties. Designed and developed an executive office park and an industrial park in Lee's Summit, Mo. Designed two additional industrial parks and residential subdivisions. Prepared study to determine target industries for the industrial parks. Prepared applications for tax increment financing district and grants under Economic Development Action Grant program. Prepared input/output analysis of proposed race track. Provided conceptual design of 800 acre mixed use development.

Shepherd Realty Co.

Lee's Summit, MO

6/84-2-86

Sold and leased commercial and industrial properties. Performed investment analysis on properties. Provided planning consulting in subdivision design and rezoning.

Contemporary Concepts Inc.

Lee's Summit, MO
Owner

9/78-5/84

Designed and developed residential subdivision in Lee's Summit, Mo. Supervised all construction trades involved in the development process and the building of homes.

Environmental Design Association

Lee's Summit, Mo.
Project Coordinator

6/77-9/78

Was responsible for site design and preliminary building design for retirement villages in Missouri, Texas and Florida. Was responsible for preparing feasibility studies of possible conversion projects. Was in charge of working with local governments on zoning issues and any problems that might arise with projects. Coordinated work of local architects on projects. Worked with marketing staff regarding design changes needed or contemplated.

City of Lee's Summit, MO

220 SW Main
Lee's Summit, MO 64063
Community Development Director

4/75-6/77

Supervised Community Development Dept. staff. Responsible for preparation of departmental budget and C.D.B.G. budget. Administered Community Development Block Grant program. Developed initial Downtown redevelopment plan with funding from block grant funds. Served as a member of the Lee's Summit Economic Development Committee and provided staff support to them. Prepared study of available industrial sites within the City of Lee's Summit. In charge of all planning and zoning matters for the city including comprehensive plan.

Howard Needles Tammen & Bergendoff

9200 Ward Parkway
Kansas City, MO 64114
(816) 333-4800
Economist/Planner

5/73-4/75

Responsible for conducting economic and planning studies for Public and private sector clients. Consulting City Planner for Lenexa, KS.

Conducted environmental impact study on maintaining varying channel depth of the Columbia River including an input/output analysis. Environmental impact studies of dredging the Mississippi River. Worked on the Johnson County Industrial Airport industrial park master plan including a study on the demand for industrial land and the development of target industries based upon location analysis. Worked on various airport master plans. Developed policy oriented comprehensive plan for the City of Lenexa, KS. Developed innovative zoning ordinance heavily dependent upon performance standards for the City of Lenexa, KS.

Supr Chuck Washington

1/9/16
M

To: All Supr's - Planning

Short comment

15/16 Against 921 & 1129 for the Record
Hearing is Feb 9, 2016

I am against GPA's 921 and GPA 1129

The County held community workshops for the new GPA 960 and this area was to stay RR2 in the General Plan just because Supr. Stone approved an Extraordinary Foundation for GPA 921 based on the the Santa Rosa Charter School that was going to be built across from this land the school did not move forward.

You are only using GPA 921 as a smoke screen to allow GPA 1129 to be approved for the owner of his property (which we all know who owns this property) and it's not Global Investments.

GPA 921 has not had the legal Public Hearings nor was the community ever told or notified of this zone approval by Supr. Jeff Stone until the signs were put up in Dec. 2015 how many years later.

Interesting how Jeff Stone ran for this office against Jim Venable because he said he didn't like his blanket approvals on what was taking place in the County, and he turned out to be the same way making all these deals with land owners using the Extraordinary Foundation or Fast Track process ~~to~~ get around the home owners. This seems to be the norm with many of our Supr.'s. I guess they forget who voted them into their titles and who they are to represent. It sure doesn't seem to be the Community they are working for anymore.

And please do not use the New High School as the "GAME CHANGER"

I'm not so sure this school will be built based on the Calif. Code of Regulations for Schools 17212 & 17212.5 the Supr.'s need to look up these codes themselves because we have told the Planning Dept. and others of this issue and it just seems to be DEAF EARS!!! The County Map of GPA 960 clearly shows this area to be in what's called a Dam-Failure Inundation Zone and the amount of water in this area will not be able to be mitigated at a reasonable cost. It would be interesting to know who signed the documents for the school saying this area is not in a Dam-Failure Inundation Zone to let it move forward.

State of Calif. passed a Law on 6-1-1998 which states agents and sellers of real property in Calif. are required to disclose to all potential buyers (involving residential & non residential) whether the subject property is in an officially mapped Dam-Failure Inundation Zone.

Failure to make the required disclosure may render the seller or the seller's agent liable for actual damages suffered by the buyer. I would think that the County and all the Supr.'s could also be held responsible down the road should something happen by letting all these projects move forward anywhere in the County that fall under the Dam-Failure Inundation Zone area.

It's interesting how the design capacity of the dam was quietly lowered by 50 Billion Gallons to lessen the potential for a

catastrophic failure by officials, but this doesn't mean it can't still happen. The East Side Dam has a fault that runs very close to it and if I'm not mistaken part runs under it according to my research. *That are active.*

Hope all the Supr.'s that are going to Vote on this GPA on Feb. 9th, change their minds no matter what has been said to them to move it forward. If they care anything about the Communities they represent as this water flows a long way and doesn't just stop in this area that we are talking about.

Vicki Romberger, Menifee, CA
4 minutes ago

you all voted "strong yellow" in the Past for GPA's in this area to allow the 3rd District Supr. to move these GPA's forward. I hope today will not be a repeat of this. If you wouldn't vote yes in your District why ours! Vote Rec 6-5

[Back to Original Article](#)

Inland Empire | RIVERSIDE COUNTY ELECTIONS

Supervisors Face Serious Competition

Incumbents buster, Venable encounter a growing electorate with new issues, challenges. 'We're not the old Inland Empire anymore,' one analyst says.

February 23, 2004 | Seema Mehta | Times Staff Writer

*Quote from
Jeff Stone*

Supervisors Face Serious Competition - latimes

Page 2 of 2

obtaining \$15 million to improve the lake's water quality, and widening and straightening California 74.

"We don't have adequate roads and signals at intersections, not enough classrooms for students," he said.

In the race to represent the 3rd District, two-term Supervisor Jim Venable is facing Temecula Councilman Jeff Stone.

Venable said he had planned on serving only two terms but decided to run for a third because of the state fiscal crises. He said the state's financial problem "is of such magnitude it's going to take me to really dig in and work diligently to make sure we can survive all this and get everything done we need done."

Additionally, he said he wants to see the fruition of a longtime goal -- four major road-widening projects in the 3rd District -- California 79, Domenigoni Parkway, and Scott and Clinton-Keith roads.

Venable, 67, was born on a ranch in Hemet, attended high school there and eventually took over his father's aviation business. Venable also raced cars and pickup trucks for more than two decades before creating a racing team that included drivers who went on to the Indy and NASCAR racing circuits.

Venable, who has raised nearly \$350,000 in 2003 and '04, urged voters to consider his experience.

"You should look at the record very, very carefully, and look at the background of individuals very, very carefully, what we've each done and what we've done throughout our lives and how we've handled our lives," he said.

Stone, his challenger, has served as a city councilman for 12 years.

Stone, 48, was raised in Anaheim and attended college in Los Angeles before moving about two decades ago to Temecula, drawn by the "quality of life and the country atmosphere."

He said his proudest accomplishments on the council included reducing graffiti, drunk driving and red-light running; fighting Wal-Mart, and improving ambulance response times.

Another Temecula councilman had planned to oppose Venable, but bowed out after receiving a job offer from a developer. So Stone stepped in, and has raised more than \$300,000 in campaign funds, which include a \$100,000 loan from a friend.

"I knew someone needed to run against him because we could not tolerate another four years of his leadership," Stone said.

He said Venable had "rubber-stamped" grossly inappropriate developments that Temecula had successfully overturned through the courts.

"We need to put citizens first and developers second," Stone said. "We need to hold developers responsible to mitigate their impact by providing roads and bridges around their development, and to make a commitment to regional infrastructure to mitigate their growth."

*7 FEB 2004
Stone*

Diamond Valley Lake

Flooding Limits per Dam Failure Inundation Mapping 2003

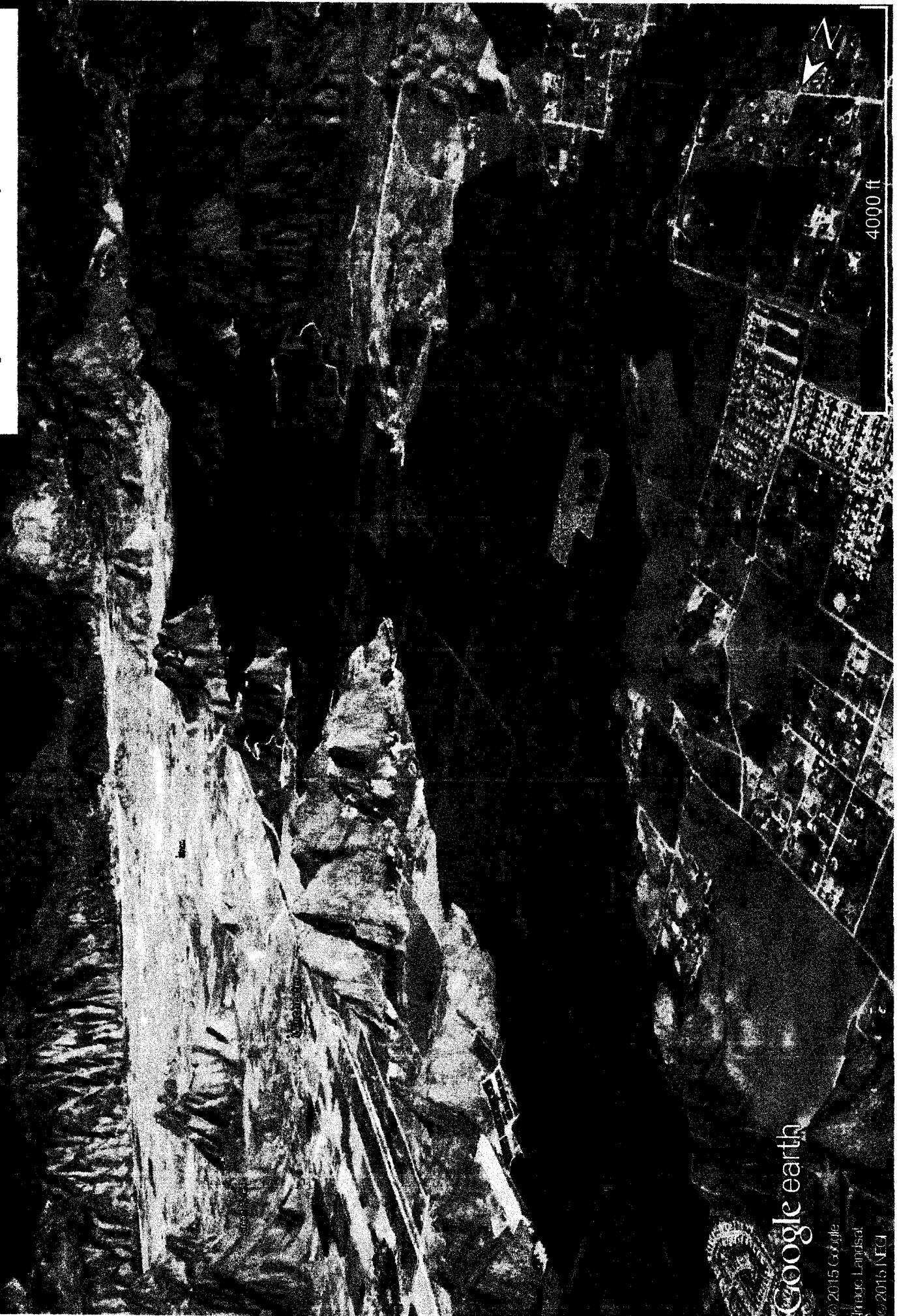
Legend



Dam Inundation Diamond Valley Lake 6003



High School 4 Boundary



Google earth

© 2015 Google

Image Landsat

© 2015 NGA

1. 100 feet for 50-133 kV line.
 2. 150 feet for 220-230 kV line.
 3. 350 feet for 500-550 kV line.
- d. If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be done by a competent professional trained in assessing cargo manifests, frequency, speed, and schedule of railroad traffic, grade, curves, type and condition of track need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossings, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment, preparation of an evacuation plan. In addition to the analysis, possible and reasonable mitigation measures must be identified.
 - e. The site shall not be adjacent to a road or freeway that any site-related traffic and sound level studies have determined will have safety problems or sound levels which adversely affect the educational program.
 - f. Pursuant to *Education Code* sections 17212 and 17212.5, the site shall not contain an active earthquake fault or fault trace.
 - g. Pursuant to *Education Code* sections 17212 and 17212.5, the site is not within an area of flood or dam flood inundation unless the cost of mitigating the flood or inundation impact is reasonable.
 - h. The site shall not be located near an above-ground water or fuel storage tank or within 1500 feet of the easement of an above ground or underground pipeline that can pose a safety hazard as determined by a risk analysis study, conducted by a competent professional, which may include certification from a local public utility commission.
 - i. The site is not subject to moderate to high liquefaction or landslides.
 - j. The shape of the site shall have a proportionate length to width ratio to accommodate the building layout, parking and playfields that can be safely supervised and does not exceed the allowed passing time to classes for the district.
 - k. The site shall be easily accessible from arterial roads and shall allow minimum peripheral visibility from the planned driveways in accordance with the Sight Distance Standards established in the "Highway Design Manual," Table 201.1, published by the Department of Transportation, July 1, 1990 edition, and incorporated into this section by reference, in toto.
 - l. The site shall not be on major arterial streets with a heavy traffic pattern as determined by site-related traffic studies including those that require student crossings unless mitigation of traffic hazards and a plan for the safe arrival and departure of students appropriate to the grade level has been provided by city, county or other public agency in accordance with the "School Area Pedestrian Safety" manual published by the California Department of Transportation, 1987 edition, incorporated into this section by reference, in toto.
 - m. Existing or proposed zoning of the surrounding properties shall be compatible with schools in that it would not pose a potential health or safety risk to students or staff in accordance with *Education Code* Section 17213 and *Government Code* Section 65402 and available studies of traffic surrounding the site.
 - n. The site shall be located within the proposed attendance area to encourage student walking and avoid extensive bussing unless bussing is used to promote ethnic diversity.
 - o. The site shall be selected to promote joint use of parks, libraries, museums and other public services, the acreage of which may be included as part of the recommended acreage as stated in subsection (a) of this section.
 - p. The site shall be conveniently located for public services including but not limited to fire protection, police protection, public transit and trash disposal whenever feasible.
 - q. The district shall consider environmental factors of light, wind, noise, aesthetics, and air pollution in its site selection process.
 - r. Easements on or adjacent to the site shall not restrict access or building placement.
 - s. The cost and complications of the following shall be considered in the site selection process and should not result in undue delays or unreasonable costs consistent with State Allocation Board standards:
 1. Distance of utilities to the site, availability and affordability of bringing utilities to the site.
 2. Site preparation including grading, drainage, demolition, hazardous cleanup, including cleanup of indigenous material such as serpentine rock, and off-site development of streets, curbs, gutters and lights.
 3. Eminent domain, relocation costs, severance damage, title clearance and legal fees.
 4. Long-term high landscaping or maintenance costs.
 5. Existence of any wildlife habitat that is on a protected or endangered species list maintained by any state or federal agency, existence of any wetlands, natural waterways, or areas that may support migratory species, or evidence of any environmentally sensitive vegetation.
 - t. If the proposed site is on or within 2,000 feet of a significant disposal of hazardous waste, the school district shall contact the Department of Toxic Substance Control for a determination of whether the property should be considered a Hazardous Waste Property or Border Zone Property.
 - u. At the request of the governing board of a school district, the State Superintendent of Public Instruction may grant exemptions to any of the standards in this section if the district can demonstrate that mitigation of specific



LAW

Dam-failure Inundation Zone

2-1-98 signed by Wilson
Effective March 1, 1998, Agents and Sellers of real property in California are required to disclose to all potential buyers whether the subject property is in an officially mapped dam-failure inundation zone.

* A dam-failure inundation zone is DIFFERENT than the "NFIP" flood zone for which a determination is required when borrowing a federally-backed mortgage loan. The National Flood Insurance Program (NFIP) flood zones are areas along streams or coasts where storm flooding is possible from a "100-year flood."

Dam-failure inundation, in contrast, is flooding which could result from the failure of a dam upstream as the result of an earthquake or other catastrophe.

This disclosure requirement was signed into law on October 6th, 1997, by Governor Pete Wilson. Based on California Assembly Bill 6X (called the "Torlakson Bill"), this new law outlines the specific procedures for existing natural hazard disclosures, and incorporates dam-failure inundation as an additional mandatory disclosure zone for clarifying flood zone disclosures.

A Standardized Natural Hazards Disclosure Statement form must now be completed with the appropriate information and signed by the Buyer and the Seller.

(See also new requirements for Very High Fire Hazard Severity Zone disclosure and Seismic Hazard Mapping Act Zone disclosure.)

| [HOME](#) | [CoreLogic](#) |

Questions, comments, or problems? kdavid@corelogic.com
Contents © 1997-2015, CoreLogic, Inc.. All rights reserved.

BAR JOURNAL

OFFICIAL PUBLICATION OF THE STATE BAR OF CALIFORNIA - AUGUST 1999

SEARCHABLE FULL-TEXT EDITION

Main Menu

REGULARS

Front Page - August 1999

News

- Affordable MCLE to highlight 4-day annual convention
- Pay your fees, avoid suspend
- Board to meet Aug. 20-21
- Ethics problem? Get relief

Obituary

- Anne Charles, bar media director

Trials Digest

Opinion

- For lawyers, a little thanks

From the President -

Casualties - still - of the Wilson veto

Letters to the Editor

MCLE Self-Study

- Natural Hazard Disclosure
- Self-Assessment Test
- MCLE Calendar of Events

MCLE SELF-STUDY

Natural Hazard Disclosure *LAW*

Failure to comply with 1998 law may render seller of property or agent liable for actual damages

By **JEFFREY G. WAGNER**

see pg 3

* Urgency legislation signed by Gov. Wilson last year, which became effective June 1, 1998, may have a widespread impact on real estate transactions in California involving both residential and nonresidential properties. Sellers now must disclose to buyers if the property is located in a special flood hazard area, dam failure inundation area, earthquake fault zone, seismic hazard zone, high fire severity area or a wildland fire area. The disclosure requirements apply to all real estate transactions, including residential resales, new subdivision sales and commercial property transactions. Failure to make the required disclosure may render the seller or the seller's agent liable for actual damages suffered by the buyer.

The legislation mandates the specific form of disclosure that must be made for certain types of residential sales. The new consolidated natural hazard disclosure statement (NHDS) must be provided if: (1) the sale is subject to the real estate transfer disclosure statement (TDS) requirement of California Civil Code §§1102 through 1102.17 and the (2) the property is located within one of six designated natural hazard areas.

The TDS and NHDS requirements apply only to residential transactions and generally only to resale transactions, as most new subdivision sales are exempt. The NHDS represents a consolidation of six independent statutory disclosure requirements, three of which became law under the new legislation (special flood hazard area, dam inundation failure area, and high fire severity), and three of which were existing disclosure statutes amended by the new legislation (earthquake fault zone, seismic hazard area, and wildland fire area).

Each separate disclosure statute applies to the sale of "real property" and is

Johnson Sedlack

ATTORNEYS at LAW

Raymond W. Johnson, Esq., AICP, LEED GA 26785 Camino Seco, Temecula, CA 92590
Carl T. Sedlack, Esq. Retired
Abigail A. Smith, Esq.
Kimberly Foy, Esq.
Kendall Holbrook, Esq.

E-mail: Ray@SoCalCEQA.com

Abby@SoCalCEQA.com
Kim@SoCalCEQA.com
Kendall@SoCalCEQA.com
Telephone: (951) 506-9925
Facsimile: (951) 506-9725

February 8, 2016

Riverside County Board of Supervisors
Attn: Kecia Harper-Ihem, Clerk of the Board
4080 Lemon Street 12th Floor
Riverside, CA 92501
Email: cob@rcbos.org

RECEIVED RIVERSIDE COUNTY
CLERK / BOARD OF SUPERVISORS
2016 FEB 11 PM 1:18

VIA U.S. MAIL AND EMAIL

RE: Agenda Number 16-5 – General Plan Amendment No. 921, Change of Zone No. 7723, Environmental Assessment No. 41744

Dear Riverside County Board of Supervisors:

On behalf of concerned area residents, I hereby submit these comments in opposition to the adoption of a Mitigated Negative Declaration for, and approval of, General Plan Amendment No. 921 and Change of Zone No. 7723 (the "Project").

The Project site consists of 77.7 acres located north of Scott Road, south of Wickerd Road, east of El Centro Lane, and west of Leon Road in the Sun City/Menifee Valley Area Plan (APN 466-220-029). General Plan Amendment No. 921 proposes to amend the Riverside County General Plan Foundation Component from Rural (R) to Community Development (CD), amend the General Plan Land Use from Rural Residential (R:RR) (5-acre minimum) to Medium Density Residential (RC:MDR) (2-5 dwelling units/acre), and amend the General Plan Sun City/Menifee Area Plan Figure 4: Policy Areas Map. Change of Zone No. 7723 proposed to change the zoning designation from A-1-5 (Light Agriculture, 5-acre minimum) to R-1 (One-Family Dwelling).

GENERAL COMMENTS

The California Environmental Quality Act ("CEQA") was adopted as a disclosure and transparency document. The purpose of CEQA is to provide a document that adequately describes the environmental consequences of a project to decision makers and the public. (Pub. Res. Code § 21061; Cal. Code Regs., tit. 14 ("CEQA Guidelines"), § 15151.) The disclosure of a project's likely effects on the environment ensures CEQA's dual goals of environmental protection and informed self-government. (See *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal. 3d 376, 392.) The core of this statutory structure is the sufficiency of the informational document.

11-5
2/9/16
2016-2-130529

Environmental Assessment No. 41744 for the Project fails as an informational document. CEQA requires that a lead agency consider not only the changes in language from a general plan amendment, but also “the ultimate consequences of such changes to the physical environment.” (*City of Redlands v. County of San Bernardino* (2002) 96 Cal. App. 4th 398, 409.)

Environmental review should focus on the project’s *secondary effects* as well as its immediate, primary impacts. (*City of Carmel-By-The-Sea v. Board of Supervisors of Monterey County* (1986) 183 Cal. App. 3d 229, 250, *City of Redlands*, 96 Cal. App. 4th at 412; CEQA Guidelines, § 15146(b).) Indirect or secondary effects include those “which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable”; “growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate”; “and related effects on air and water and other natural systems, including ecosystems.” (CEQA Guidelines, § 15358(a)(2).)

The Project has potentially significant impacts to/from aesthetics, air quality, biological resources, greenhouse gases, land use and planning, noise, traffic, and utility and service systems, among others. An EIR is required to evaluate, disclose, and mitigate for these significant impacts.

An EIR is required for any proposed project that may have a significant effect on the environment. (Pub. Res. Code, § 21100(a).) The EIR requirement is the “heart of CEQA.” (CEQA Guidelines, § 15003(a).) A lead agency may prepare a negative declaration for a proposed project only when there is not a fair argument based on substantial evidence in light of the whole record that the project *may* have a significant effect on the environment. (Pub. Res. Code, §§ 21064, 21100(a).) As the Project may result in significant indirect, secondary, and ultimate environmental impacts, reliance on a negative declaration is inappropriate. An EIR must be prepared.

FAILURE TO CONSIDER SECONDARY OR ULTIMATE ENVIRONMENTAL IMPACTS

CEQA requires that a lead agency conduct environmental review ““at the earliest possible stage, even though additional EIRs might be required for later phases of the project.” (*City of Carmel-By-The-Sea*, 183 Cal. App. 3d at 242 quoting *Bozung v. Local Agency Formation Comm’n of Ventura County* (1975) 13 Cal. 3d 263, 282.) Such review is mandated where impacts are *reasonably foreseeable*, even if some forecasting or speculation is required. (CEQA Guidelines, § 15358(a)(2).)

The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR...(b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow. [emphasis added]

Here, while the degree of specificity may be less, the County must nevertheless evaluate the secondary and ultimate effects of the proposed amendments *now*; not only with a later project level proposal.

In *Christward Ministry v. Superior Court* (1986) 184 Cal. App. 3d 180, 190-92, the court ordered that an EIR be prepared for a general plan amendment which would merely allow a new land use, finding that potentially significant effects would result from changed land use. Likewise, in *City of Redlands v. County of San Bernardino* (2002) 96 Cal. App. 4th 398, 409-410, the court of appeal held that the county wrongly failed to consider the environmental impacts of possible future development and growth from general plan amendments. The court stated, "CEQA reaches beyond the mere changes in the language of an agency's policy to the ultimate consequences of such changes to the physical environment." (*Id.* at 409.) In relying on later environmental review for specific future development, the county had improperly deferred full environmental assessment of the general plan amendments. (*Id.* at 410.)

The Environmental Assessment repeatedly relies on the following finding of fact to conclude the Project will have no impacts:

This is a programmatic level CEQA analysis. At this stage, the project does not provide the opportunity for physical disturbance of the site, as there is no associated development project. This project will result in amending the site's General Plan Land Use, the Estate Density Residential and Rural Residential Policy Area map, and the Zoning designation only, which could eventually lead to development on the property. Should a development proposal or land use application for subdividing, grading, or construction of the site be submitted, a subsequent Environmental Assessment shall be prepared to determine potential impacts. (EA No. 41744 pp. 6, 8-19, 24-27, 31-38.)

Such finding improperly defers analysis of the Project's environmental effects until the after the land use designation and zoning on the Project site has been changed and the County is committed to definite course of action of developing the Project site with greater residential density. (*See City of Redlands*, 96 Cal. App. 4th at 409-410, CEQA Guidelines § 15352 subd. (a).)

The staff report for the February 9, 2016 Board of Supervisors raises for the first time that the Environmental Impact Report for General Plan Amendment No. 960 justifies the use of a Mitigated Negative Declaration for the Project. (Board of Supervisors Agenda Item 16-5 Staff Report p. 3.) CEQA allows through tiering narrow EIRs or site-specific EIRs incorporating previously prepared environmental documents where a broader EIR covers general matters. (CEQA Guidelines, § 15385.) However, the EIR prepared for GPA No. 960 states "this EIR does not evaluate the site-specific impacts of the individuals GPAs listed. The 104-GPA applications (i.e., those not yet approved or denied by the Riverside County Board of Supervisors; the other 11 GPAs in the set are already adopted) must each undergo appropriate CEQA analysis and review in their own right, including any and all separate environmental studies deemed necessary on a case-by-case basis." (County of Riverside Environmental Impact Report No. 521 p. 5-44.) GPA No. 921 is included in the EIR for GPA No. 960 for purposes of evaluating impacts under a Cumulative Build Out Scenario only and is not appropriate for tiering as site specific impacts for GPA No. 921 were not evaluated in the EIR for GPA No. 960. Thus, reliance on this previously

prepared EIR for a different project does not justify a Mitigated Negative Declaration for GPA No. 921 where it may cause potentially significant environmental effects.

Secondary and ultimate impacts of and from greater development at the Project site must be considered by the County prior to considering approval of this Project, not delayed until subsequent review of a specific development project.

POTENTIAL SIGNIFICANT IMPACTS

The adoption of a Mitigated Negative Declaration for the Project is improper here where there is a fair argument of significant environmental impacts based on substantial evidence in the record. The Project may have significant environmental effects from changing the site from rural residential to medium density residential, including, but not limited to, aesthetics, air quality, biological resources, greenhouse gas emissions, land use/planning, noise, population and housing, traffic, utility and service systems, and other effects. An Environmental Impact Report must be prepared for the Project to adequately evaluate the Project's potentially significant effects.

Additionally, CEQA requires that where feasible mitigation exists which can substantially lessen the environmental impacts of a project, all feasible mitigation must be adopted. In this way CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. The only mitigation adopted for this Project is a requirement that the Project comply with the Highway 79 Policy Area through residential density reductions. Moreover, the Board of Supervisors staff report states that changes have been made to these mitigation measures, but they are not substantive in nature. (Board of Supervisors Submittal Agenda Number 16-5, p. 3.) There is no way for the public to evaluate this claim as the staff report does not include the revised mitigation measures, thus, thereby precluding public comment and the ability to exhaust administrative remedies on this issue. There is no mitigation for other impacts as the Environmental Assessment mistakenly concludes that the Project will not have any other potentially significant impacts. The adoption of feasible mitigation measures is essential to any approval of this Project.

Aesthetics

The Project site is currently vacant land and is surrounded by single-family detached homes to the west and vacant land to the north, east, and south. Although the Project does not propose any development at this time, the County must analyze the likely effects from the proposed general plan amendment and zone change. The current zoning on the Project site would permit 1 dwelling unit per 5-acre minimum on the 77.7-acre site or 15 dwelling units ($77.7 \text{ acres} \div 5 \text{ acres} = 15.54$). However, the Project is within the Highway 79 Policy Area and must reduce density by 9%. Therefore, 14 single-family residences would be allowed on the Project site under the current General Plan land use and zoning designations.

The proposed change in residential density to 2-5 dwelling units per 1-acre minimum could result in 155 dwelling units (2 dwelling units per 1-acre x 77.7 acres = 155.4 dwelling units) on the Project site on the low end and up to 388 units on the high end (5 dwelling units per 1-acre x

77.7 acres = 388.5 dwelling units). Applying the requirements of the Highway 79 Policy Area, 353 single-family residences would be permitted under the proposed Project.

The Environmental Assessment completely omits any discussion of whether the Project would “substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and unique or landmark features; obstruct any prominent scenic vista or view open to the public; or result in the creation of an aesthetically offensive site open to public view.” (EA No. 41744 p. 5.) From Scott Road at the south of the Project Site there are views of local hills to the northwest and the San Geronio Mountains to the north.¹ The Environmental Assessment lacks any evaluation of whether the intensity of use permitted by the proposed Project would impact such views.

There is a fair argument that the Project may have a significant effect on aesthetics from the intensification of use permitted by the Project. Secondary/indirect aesthetic impacts from obstructing views open to the public and damaging scenic resources on the Project site should be considered significant.

Air Quality

The Environmental Assessment completely fails to evaluate any secondary/indirect air quality impacts from the Project despite the fact that the Project will intensify use on the Project site increasing population and vehicle trips.

Secondary/indirect effects from increased vehicle travel to and from the Project site due to the General Plan amendment and change of zone could result in potentially significant air quality impacts. Residential developments are indirect sources that attract mobile source emissions from automobiles.² Emissions from mobile sources, including cars and trucks, account for roughly 90 percent of the cancer risk in the South Coast basin, which the Project site is located in. As discussed below, the Project has the potential to add 3,230.67 average daily vehicle trips.³ The Environmental Assessment admits that the Project will “result in an increase in population and/or vehicle trips at the time of build-out, based upon the proposed residential density change.” (EA No. 41744 p. 8.) Yet, the Environmental Assessment claims air quality impacts from the Project are less than significant, because subsequent environmental review will occur. (EA No. 41744 p. 9.) This deferral of the full environmental assessment of the Project’s consequences has been rejected by the courts and fails to comply with CEQA. (*See City of Redlands*, 96 Cal. App. 4th at 409-10.) Land use changes with resulting increases in mobile source emissions “adversely

¹ Street view on Google Maps of the Project site looking north from Scott Road. This link and all links cited herein are incorporated by reference. <https://www.google.com/maps/@33.6415471,-117.127606,3a,75y,1.66h,73t/data=!3m6!1e1!3m4!1sRZNJEBUK55zT6JtVbmeuUA!2e0!7i13312!8i6656?hl=en>.

² South Coast Air Quality Management District, Guidance Document for Addressing Air Quality issues in General Plans and Local Planning, p. 3-1 <<http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf?sfvrsn=4>>.

³ 3364.09 averaged daily vehicle trips – 133.42 average daily vehicle trips = 3230.67 average daily vehicle trips.

affects regional air quality, especially ozone levels and localized carbon monoxide concentrations.”⁴ These potential secondary/indirect impacts should be evaluated in an EIR.

The Environmental Assessment also lacks any analysis of cumulative impacts to air quality. General Plan Amendment No. 998 is located approximately one mile to the southeast of the Project site, and would change the land use designation from Rural Residential (5 acre minimum) to Medium Density Residential (2-5 dwelling units/acre) on 160 acres. General Plan Amendment No. 976 is located approximately a half mile to the east of the Project site, and proposes to change the land use designation from Rural Residential (5 acre minimum) to Medium Density Residential (2-5/dwelling units/acre) on 271 acres. Neither General Plan amendment nor any other project is considered in the context of cumulative Project impacts to air quality. The cumulative effect of the Project with other approved and pending projects must be evaluated in an EIR.

There is a fair argument of potentially significant air quality impacts based on substantial evidence that the Project will increase population and vehicle trips to/from the Project site. Such potentially significant impacts must be analyzed at this time in and mitigated, if necessary, in an EIR. The failure to evaluate the potential impacts and defer environmental review is contrary to the requirements of CEQA.

Biological Resources

The Environmental Assessment again improperly defers review of potential biological impacts to later stages, where CEQA requires that “an agency evaluate the environmental effects of a project at the earliest possible stage in the planning process.” (*City of Redlands*, 96 Cal. App. 4th at 410.)

Greenhouse Gas Emissions

Greenhouse gas (GHG) emissions arise from construction activities, area sources, and mobile sources, with mobile sources being the primary contributor to direct GHG emissions.⁵ The Project would result in an intensification of use, specifically increasing population and vehicle trips through increased density. As a result, the Project would cause increased GHG emission from at least mobile sources, i.e. vehicles driving to/from the Project site. Such increases in GHG emissions are potentially cumulatively considerable in light of the past, current, and proposed future projects in the area.

The Environmental Assessment does not discuss the new Governor’s Executive Order, B-30-15⁶, issued April 29, 2015. This Order requires a 40% reduction of GHGs below 1990 levels by year 2030. As the ultimate effects of the Project would be a new source of GHGs, the environmental

⁴ South Coast Air Quality Management District, Guidance Document for Addressing Air Quality issues in General Plans and Local Planning, p. 3-2.

⁵ California Environmental Protection Agency Air Resources Board, Greenhouse Gas Emission Inventory 2015 Edition, < <http://www.arb.ca.gov/cc/inventory/data/data.htm> >.

⁶ (<http://gov.ca.gov/news.php?id=18938>)

analysis of the Project must evaluate whether/how the Project is consistent with this new reduction target.

The Natural Resources Agency's CEQA Guideline on Determining the Significance of Impacts from Greenhouse Gas Emissions recommends that a lead agency attempt to "describe, calculate or estimate" a project's GHG emissions.⁷ A lead agency may consider such factors as: "(1) The extent to which a project would increase or decrease greenhouse gas emissions compared to the existing environmental setting; [¶] (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project[;] [¶] (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation or greenhouse gas emissions" (CEQA Guidelines § 15064.4, subd. (b).)

The Environmental Assessment fails to describe or estimate the Project's GHG emissions in light of the fact that the Project would result in the intensification of use on the Project site. The Environmental Assessment states, "[A]ny future implementing project on this site will be required to comply with California's AB-32 greenhouse gas reduction requirements as well as Riverside County's Climate Action Plan." (EA No. 41744 p. 18.) There is no evidence that the increase in residential housing units on the Project site from 14 dwelling units to 353 dwelling units would comply with either the 30% statewide reduction required by AB 32 or Riverside County's Climate Action Plan. The average annual carbon dioxide (CO₂) emissions, a primary GHG emission from passenger vehicles, of a typical passenger vehicle is 4.7 metric tons of CO₂ per year.⁸ Other greenhouse gases produced by passenger vehicles are methane (CH₄), nitrous oxide (N₂O), and hydrofluorocarbon (HFC). The additional vehicle trips to/from the Project site alone will increase GHG emissions such that GHG emissions from the Project may be cumulatively considerable when other projects such as GPA 998 and GPA 976 are taken into account.

Land Use/Planning

To support the claim that "many property owners in the area who have collectively proposed a fundamental shift in land use for the area" justifies increased growth and development within the Sun City/Menifee Valley Area Plan, the Environmental Assessment discusses other pending general plan amendments. (EA No. 41744 pp. 22-23.) One of the general plan amendments cited in the Environmental Assessment is this Project, GPA No. 921, which says "other similar General Plan Amendment proposals in the immediate area, including **Nos. 921** and 926 for conversion of the land use to Medium Density Residential (2-5 du/ac) as well. However these two applications have been withdrawn, but may be resubmitted during the next Foundation cycle change, scheduled for Q1 or Q2 of 2016." (EA No. 41744 p. 23 [emphasis added].) This inaccuracy regarding the statement that this pending Project has been withdrawn and the attempt

⁷ California Natural Resources Agency, Final Statement of Reasons for Regulatory Action, p. 81 <http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf>.

⁸ Environmental Protection Agency, Greenhouse Gas Emissions from a Typical Passenger Vehicle, p. 2 <<http://www3.epa.gov/otaq/climate/documents/420f14040a.pdf>>.

to show that the perspective of local residents and property owners has changed significantly based on the pending Project is misleading and must be corrected.

Moreover, four pending General Plan Amendments do not demonstrate that “many property owners in the area [] have collectively proposed a fundamental shift in land use for the area.” (EA No. 41744 p. 23.) The low intensity qualities of the area are still strongly supported by local residents and property owners and the fact that four property owners desire denser development on their properties does not show that the perspective has changed *significantly*.

Not only is the Project inconsistent with the Estate Density Residential and Rural Residential Policy Area, but it also would cumulatively result in a substantial alteration of the present land use of the area such that impacts should be considered potentially significant. The Project is not consistent with the existing zoning to the north (Residential Agriculture, 5-acre minimum) and east (Light Agriculture, 5-acre minimum). Nor is the Project consistent with the land use designations to the north (Estate Density Residential (2-acre minimum)) and east (Rural Residential (5-acre minimum)) of the Project site. Based on these inconsistencies, impacts should be considered potentially significant. An EIR is required to further analyze and mitigate potentially significant land use/planning impacts.

Noise

The Project is approximately one half mile away from a private airstrip, Pines Airpark.⁹ The Environmental Assessment fails to consider whether the Project would expose future residents to excessive noise levels as the Project is in the vicinity of this private airstrip. (EA No. 41744 p. 25.) Noise from the private airstrip must be adequately considered prior to Project approval.

Population and Housing

The Project would induce substantial population growth in the area directly by changing the land use designation and zoning on the Project site to allow significantly denser residential development. Under the current land use designation and zoning that allows 1 dwelling unit per 5-acres, 14 dwelling units could be developed on the Project site. However, under the Medium Density Residential land use designation the Project site could accommodate from 154 to 353 dwelling units. The Environmental Assessment uses the midpoint of potential residential density to determine the Project could increase the population on the Project site by 770 persons. (EA No. 41744 p. 28.) Yet, based on the highest permitted density under the Project, the population could increase by 1,020 residents. ($[353 \text{ dwelling units} \times 3.01 \text{ residents/dwelling unit}] - [14 \text{ dwelling units} \times 3.01 \text{ residents/dwelling unit}] = 1,020.39 \text{ residents}$.) Due to this potential population increase, the Project's ability to induce substantial population growth in the area seems significant.

⁹Airport-Data.com, Pines Airpark Airport (bCA5) Information, < <http://www.airport-data.com/airport/8CA5/>>. <https://www.google.com/maps/dir/33.6453879,-117.1111467/32531-32587+Leon+Rd,+Winchester,+CA+92596/@33.6469063,-117.128227,15z/data=!4m8!4m7!1m0!1m5!1m1!1s0x80db632e962854fb:0xe7f583644f13e34d!2m2!1d-117.1191261!2d33.6452826>

Traffic

The estimated average daily vehicle trip generation rate for Land Use 210 Single-Family Detached Housing is 9.53 average daily vehicle trips per dwelling unit.¹⁰ The increase in intensification of use could result in up to 353 dwelling units on the Project site compared to the 14 dwelling units which could be developed under the current land use designation. Applying the Single-Family Detached Housing trip generation rate to the range of development that would be allowed under the Project demonstrates how drastically traffic would increase. The current land use designation would result in 133.42 average daily vehicle trips (9.53 average daily vehicle trips per dwelling unit x 14 dwelling units). Assuming the Project is developed with the lowest density of 2 dwelling units per 1-acre minimum, the Project site could accommodate 154 dwelling units resulting in 1,467.62 average daily vehicle trips (9.53 average daily vehicle trips per dwelling unit x 154 dwelling units = 1,467.62 average daily vehicle trips). Should the Project site be developed with the highest density that would be permitted under the proposed land use designation, the Project site could accommodate up to 353 dwelling units resulting in 3,364.09 average daily vehicle trips (9.53 average daily vehicle trips per dwelling unit x 353 dwelling units = 3,364.09 average daily vehicle trips).

The proposed general plan amendment and zoning change would result in far greater traffic than currently generated by the undeveloped Project site or permitted under the current land use and designations. While the Project adopts mitigation so the Project does not conflict with the Highway 79 Policy, there is no consideration of the potential traffic increase on level of service standards or other congestion management programs. The ultimate impacts from the increased intensity of use, potentially 1,467.62 to 3,364.09 average daily vehicle trips based on potential development of the Project site, are not considered in the Environmental Assessment. Such impacts must be evaluated and mitigated in an EIR before the Project is approved.

Utility and Service Systems

The Environmental Assessment concludes there would be no impacts to water service systems despite the fact that the Project would increase the residential density permitted on the Project site. (EA No. 41744 p. 34.) Yet, there is no consideration of whether there are sufficient water supplies available to serve the Project from existing entitlements and resources.

The Project site is within the Eastern Municipal Water District, which is a member agency of Metropolitan Water District of Southern California.¹¹ The two main sources of water supplies for the Metropolitan Water District of Southern California are the State Water Resources Project and

¹⁰ See Institute of Transportation Engineers, *Trip Generation* (7th ed. 2003), Vol. 2 pp. 269, 274, 276 ((9.57 average trips/dwelling unit weekday x 5 days) + 10.10 average trips/dwelling unit Saturday + 8.78 average trips/dwelling unit Sunday) ÷ 7 days = 9.53 average daily trips per dwelling unit).

¹¹ Board Member Divisions, Eastern Municipal Water District, <<http://www.emwd.org/meet-emwd/board-of-directors/board-member-divisions>>. Member Agencies, The Metropolitan Water District of Southern California, <<http://www.mwdh2o.com/WhoWeAre/Member-Agencies/Pages/default.aspx>>.

the Colorado River.¹² The State Water Resources Project is supplied largely by Sierra Nevada snowpack.¹³

In January 2014, Governor Edmund G. Brown Jr. declared a drought state of emergency as California entered its four consecutive year of drought.¹⁴ Governor Brown then issued twenty-five percent statewide mandatory water reductions in April 2015.¹⁵ Most recently, Governor Brown issued an additional state order to continue current actions and implement new actions in response to drought conditions.¹⁶ Despite the El Nino weather system bringing a slightly above average snowpack, the drought will likely continue.¹⁷ Additionally, California has agreed to gradually reduce the state's use of its 4.4 million acre-feet apportionment of the Colorado River by 2017.¹⁸ There is no evaluation of these restrictions on the Eastern Municipal Water District's supply and ability to service residential developments that would be possible under the Project. Given the severe multi-year drought currently affecting California, water supply impacts from the Project's intensification of residential density are not sufficiently analyzed.

The Environmental Assessment also fails to actually analyze sewer and solid waste impacts from the Project. The Environmental Assessment repeats the findings of fact from the water section stating, "at this stage, the specific size and need of **water** infrastructure to the area, is too speculative to analyze as there is no implementing project." (EA No. 41744 pp. 35, 36.) This does not address whether the Project would require or result in the construction of new wastewater treatment facilities, including septic systems, or expansion of existing facilities, the construction of which would cause significant environmental effects, or whether the Project is served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs or comply with federal, state, and local statutes and regulations related to solid wastes. The County must evaluate whether such impacts would occur as the current findings of fact in the Environmental Assessment do not address this issue.

The Environmental Assessment fails to evaluate the ultimate impacts of the Project. As there is a fair argument of substantial environmental effects, the County must prepare an EIR for the Project to fully analyze such effects.

¹² Sources of Supply, Eastern Municipal Water District,

<<http://www.mwdh2o.com/AboutYourWater/Sources%20Of%20Supply/Pages/default.aspx>>.

¹³ Water Supply Conditions, The Metropolitan Water District of Southern California,

<http://www.mwdh2o.com/PDF_About_Your_Water/2.2.4_water_supply_conditions.pdf>.

¹⁴ Governor Brown Declares Drought State of Emergency, Office of Governor Edmund G. Brown Jr., January 1, 2014 <<https://www.gov.ca.gov/news.php?id=18368>>.

¹⁵ Governor Brown Directs First Ever Statewide Mandatory Water Reductions, Office of Governor Edmund G. Brown Jr., April 1, 2015 <<https://www.gov.ca.gov/news.php?id=18910>>.

¹⁶ Governor Brown Issues Executive Order to Bolster State's Drought Response, Office of Governor Edmund G. Brown Jr., November 13, 2015 <<https://www.gov.ca.gov/news.php?id=19191>>.

¹⁷ California Farmers Brace for Water Shortage Despite El Nino,

¹⁸ Colorado River Aqueduct, the Metropolitan Water District of Southern California,

<http://www.mwdh2o.com/AboutYourWater/Sources%20Of%20Supply/Pages/Imported.aspx#tabs-State_Water_Project_SWP_>.