

Steve Weiss AICP
Planning Director

RIVERSIDE COUNTY PLANNING DEPARTMENT

Memorandum

Date: April 4, 2016

To: Board of Supervisors

From: Planning Staff and County Counsel

RE: Additional information for Agenda item 16-1 for April 5, 2016 Board of Supervisors. Staff Response to two letters submitted for CUP03707- Tyler & Bursch, LLP letter dated March 15, 2016 and the Department of Conservation Letter dated March 24, 2016.

Conditional Use Permit No. 3707 and related cases were on the Board agenda for March 15, 2016 as agenda item 16-1. Just prior to the hearing two additional letters were submitted: the law firm Tyler & Bursch, LLP submitted a letter dated March 15, 2016 and the Department of Conservation submitted a letter (regarding the agriculture cases) dated March 24, 2016. The item was continued to April 5, 2016 in order to provide the Board with a response to the letters. The content of the letters is shown below in *italics* with responses from staff following each comment. Paragraphs from the letters were split where appropriate to make a response more clear.

Some conditions of approval were added in response to the letters. The contents of the new conditions were all already required by other standard processing requirements (such as fee payments) and other CEQA documents (such as the Wine Country Community Plan EIR). They have been brought forward into a condition for added clarity. The addition of the conditions does not rise to the level of new information as they were previously required by other means and have not changed the level of impacts studied in the CEQA document in any way.

Tyler & Bursch, LLP letter dated March 15, 2016

This office represents Calvary Chapel Bible Fellowship ("Calvary"), a church that has been located in Temecula's Wine Country for the past twenty years. Calvary has experienced significant growth in its congregation and has been working diligently to expand its church facilities to accommodate its growth. In 2010, Calvary submitted a project application to expand its facilities and over the last six years has been unable to get its project through the entitlement process. Meanwhile, Calvary continues to watch surrounding property owners "fast-track" non-religious projects under CEQA's negative declarations or mitigated negative declarations due to the County funded EIR 524.

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The County has worked diligently with Calvary Chapel (Calvary) to process their application for a new church/special event facility. Many of the project processing decisions were made in conjunction with the applicant. To imply that the County is at fault for all delay is inaccurate. Some of the challenges with the project were caused by the applicant's original desire to have a school included in the project. The plans for the school have since been removed, by Calvary. The decision to process an EIR for Calvary was a decision made with the applicant and their representatives. The Calvary EIR has since been released for public review. Regarding the Wine Country Community Plan EIR referenced above, the County funded EIR No. 524 was for a County initiated project, the Wine Country Community Plan, not a privately initiated project.

Regarding Fast Track status, there are affirmative requirements to obtain Fast Track status. It is not automatically granted. The Mt. Palomar project, CUP3707, received Fast Track status based on the number of jobs that will be created by the project, not based on any religious or non-religious affiliation.

Meanwhile, Calvary's project cannot get out of the starting gate because of alleged concerns over agricultural needs, pesticide uses, traffic impacts, etc. None of those issues appear to be concerns for non-religious projects, like Mt. Palomar... Yet, the following environmental impacts were not studied or mitigated: the use of pesticides, traffic impacts, or the reduction of valuable agricultural lands.

The proposed CUP is consistent with the Wine Country Community Plan EIR which studied pesticides. The County desire to study pesticides for Calvary's proposal was driven by the applicants desire to include a school.

The project approval today includes a hotel, spas, a restaurant, a wedding pavilion, retail uses, cottages, villas, an event center, a 1,800 seat amphitheater and, most importantly, a chapel.

The project does not include a chapel. Any reference to a chapel was in error. The project exhibits make it very clear that the project includes a wedding facility. There is no chapel included in the project exhibits. Only weddings are permitted in the wedding facility. Condition of Approval 10. Every.1 has been modified to clarify this.

...In addition, the Mt. Palomar project takes advantage of processing a CEQA mitigated negative declaration even though the following issues cannot be reasonably considered less than significant:

- *16.60 acres of protected agricultural land will be removed from a Williamson Act contract without proper mitigation.*

The Board previously removed a portion of the project site from the agricultural preserve to accommodate a previously approved hotel design (that was never constructed). This proposed project (new design and footprint) is only adjusting

the size of the area to match the new project footprint. The Williamson Act is intended to protect agriculture. The addition of hotels and event uses in proximity to the existing agricultural use helps foster and perpetuate the preservation of agriculture. The proposed conditional use permit (CUP) project, as a whole, requires 75% planting of productive vineyards, consistent with the requirements of the Wine Country Community Plan. No specific mitigation is required for compliance with Williamson Act Contracts.

- *Noise impacts will be significant. The project does not comply with the County's noise requirements and the project seeks an exception to accepted noise standards. A 1,800 seat amphitheater will generate a lot of noise, and when combined with the hotel, restaurant, and retail uses, the noise levels will be unacceptable. Moreover, there is no limit on the number of concerts without corresponding mitigation to reduce the impacts.*

The EA in section 34a-d explains in great detail that the noise impacts will not be significant. The project will be fully compliant with all County noise ordinance requirements, contrary to the statements of the letter's author. The exception is only being requested by the applicant because of the required development standards from the zone, Wine Country Winery (WC-W), which does not permit outdoor amplified sound unless an exception to the noise Ordinance has been approved- not because the project is violating a County requirement. There is a limit in the number of events at the amphitheater (52 a year) as identified in the project description. The proposed project is fully compliant with all mitigation from the Wine Country Community Plan EIR including NOI 1 through 6 and all identified requirements of the noise study that are specific to this project and this venue. This includes specific requirements for monitoring by the Department of Environmental Health and special requirements for the sound board design that will alert the operator of any potential violations.

- *Traffic impacts are also significant. There is no mitigation for traffic on this project, which will add thousands of travelers along Rancho California Road, which already suffers from failing intersections. The project will add a 1,800 seat amphitheater (not to mention a hotel, retail, cottages, and villas) yet the project offer no mitigation for any of the foreseeable traffic impacts. This Project will cause significant traffic impacts and the project should be responsible for mitigating those impacts.*

As explained in the EA, the project completed a traffic study. The study identifies impacted intersections and identifies that the project will pay fair share fees that will be adequate to address the possible impacts the project will create. The project includes conditions of approval to address direct impacts to Rancho California and Butterfield Stage Road. The project would be paying fair share contributions to four other identified intersections to address possible impacts. These same five intersections were also identified in the Wine Country Community Plan EIR. The project is required to address these impacts. This requirement was included at the time it went to the Board for action; however, to

clarify and in response to the letter, the requirement has been added as condition of approval also, 80.TRANS.7, which requires a fair share contribution to intersections. Additionally, a new condition of approval, 10.TRANS.6, requires a traffic management plan for concert events. Lastly, it is important to note that the Wine Country Community Plan EIR in section 4.14 identified the cumulative traffic impacts for the ultimate buildout of the entire area was significant and unavoidable. The project has also implemented mitigation required in the Wine Country Community Plan EIR, including mitigation measure TRF-1, which requires a traffic study, TRF-2, which requires a traffic management plan, TRF-3, which requires a fair share contribution such as DIF and TUMF, TRF-4 which requires streets to be built to County standards, and TRF-5 which requires review by the Fire department. This project is consistent with that EIR and the plan itself, essentially implementing the plan.

- *The air quality analysis improperly concludes that there are no CO hot spots. But Rancho California Road is currently failing and traffic frequently backs-up leaving cars to idle along the roadway, dumping greenhouse gases along the way. The project is located in a nonattainment basin so the analysis improperly concludes no significant cumulative impact and also improperly concludes that neighboring residences are not sensitive receptors.*

An Air quality impact analysis was done for the project which showed the project will not have any significant air quality impacts to the area. The Wine Country Community Plan EIR which analyzed buildout of the entirety of the Wine Country Community Plan identified only one intersection with the potential of hot spots, approximately 5 miles from the project site which will not be impacted by this project. Section 3.3 in the Air Quality study clearly explains why and how the project will not create any CO-2 hot spots. Contrary to the letter, the basin is currently in attainment for CO. This project will not impact CO levels in a way that would alter these levels. Lastly, the EA in section 6, and the technical study, identifies that homes are sensitive receptors and analyzed the project's possible impacts to them, concluding there were no significant impacts.

- *Hydrology analysis fails to mention that Rancho California Road and Calle Contendo are already subject to ponding. The project clearly indicates it is located on a ridge and that it plans to build 271,600 square feet of buildings (nonporous surfaces) that will contribute to sheeting downhill to Rancho California Road and Calle Contendo without proper information regarding mitigation measures for water quality.*

It is not clear what the author is referencing regarding ponding. The project has addressed all possible impacts regarding ponding in the hydrology report and preliminary water quality management plan (WQMP) to a level of less than significant. As identified in the EA, as part of the WQMP, appropriate best management practices (BMP's) which may include detention basins and Bio swales and porous pavement will be incorporated into the project. Additionally, the project site is surrounded by vineyards which will also capture runoff.

- *Greenhouse Gas analysis concludes the project would exceed mass emissions thresholds but that is consistent with provisions of EIR 524. But EIR 524 specifically states that project specific analysis would be required.*

Project specific Greenhouse Gas analysis was performed for the EA by expert consultants who determined that the impacts were less than significant. In addition, the project is required to, and does, comply with all Wine Country Community Plan mitigation measures. For clarity, the contents of GHG-1 have been added to the project as a condition of approval.

- *Cumulative analysis fails to mention any projects but rather cites to the EIR 524. EIR 524 did not study Calvary's pending application, therefore, the analysis fails to provide sufficient information.*

As stated, the EA appropriately evaluated the potential environmental impacts specific to the proposed project as an implementing project that was fully evaluated in the prior Wine Country Community Plan EIR. The EIR included an appropriate level of discussion and analysis related to cumulative impacts as required under CEQA. Therefore, the EA was only required to evaluate whether or not additional projects not previously evaluated would be sufficient to create a cumulatively considerable impact. As stated under Section 15064(h) of the State CEQA Guidelines, a lead agency needs to evaluate two key items: whether or not the cumulative impact itself may be significant and whether the project's incremental contribution to that effect would be cumulatively considerable. Again, the cumulative analysis from the prior EIR included detailed analysis and determinations as they related to physical environmental impacts. The addition of the Calvary project, taken together with the prior cumulative analysis already identified for the entire plan, would not lead to any additional cumulative physical environmental impacts. The analysis in the EA illustrates that through the incorporation of conditions of approval and mitigation previously identified as part of the Wine Country Community Plan EIR, there are no significant direct, indirect, or cumulative impacts.

Additionally, Calvary has been informed how important the planting requirements are to the Wine Country zones, but today's project provides little to no information of those requirements.

The project is conditioned to require 75% planting of the property. All project exhibits show full compliance with the requirements.

This letter is offered as Calvary's objections to the Mt. Palomar project on the basis of its failure to properly analyze environmental issues under CEQA. This failure to properly analyze environmental issues will result in additional burdens on Calvary's project, especially since today's project is not being required to provide any traffic mitigation whatsoever.

As explained previously, traffic and other impacts were fully addressed and mitigation was required. Mitigation is being proposed for the Calvary Chapel project as well, although the EIR for the Calvary project has only just been circulated at the time this memo was drafted.

We respectively request that the County Board of Supervisors not approve this project and require proper analysis of the above mentioned environmental issues and adoption of appropriate mitigation measures prior to project approval. If you need any additional information, please feel free to contact me at (951) 600-2733.

Lastly, it is important to note that the project has a clear relationship to the Wine Country Community Plan EIR insofar as:

- This project is one of the first large scale implementing projects to be implemented under the Community Plan.
- The Wine Country Community Plan EIR included a number of assumptions regarding the implementation of the plan; specifically that large scale resort projects were intended as an outcome of the EIR.
- The EIR studied different levels of commercial activity, categorized as small, medium and large projects. Large projects, labeled as 'commercial tourist 3 for purposes of the study, were assumed to be about 9% of the project (Wine Country Winery District) area. This project is one of the first large scale projects to be proposed in the District and is well below the 9% identified and analyzed. As identified in the EIR Land Use Section, Section 4.10, "Commercial Tourist":
Allows for tourist-related commercial uses such as hotels, golf courses, recreation, and amusement facilities. Commercial Tourist uses will be permitted based on their compatibility with surrounding land uses. Floor area ratios range from 0.2 to 0.35.
- The EIR explains that the Project (Wine Country Community Plan) is intended to increase the viticulture potential, allowing for an appropriate level of commercial tourists activities, while protecting the rural lifestyle and equestrian activities.
- Amphitheaters are an additional commercial use allowed with a Class VI Winery in the Wine Country Winery Zone. This zone was included in the project that was studied and analyzed in the Wine Country Community Plan EIR.
- Table 3.0-4 in the EIR project description includes buildout projections including those of large wineries. Specifically the EIR assumed that at least 21 large wineries are anticipated to be built out as a result of the new Community Plan. Large wineries typically include vineyards, tasting rooms, and resort type uses.

Department of Conservation Letter dated March 24, 2016

The Department does not consider the proposed winery expansion capable of meeting findings number two and four as defined by the Land Conservation Act. Pursuant to Government Code Section 51284.1, the purpose of the comments above is to advise the Board of Supervisors on the required findings. The Board is then required to consider the comments in their final decision.

The County agrees with the assessment that the Department of Conservation's comments are advisory and the Board is only required to consider them before making a final decision.

The County disagrees with the Department of Conservation regarding findings number two and four as defined by the Land Conservation Act.

(2) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.

The project site is located within the Temecula Valley Wine Country Policy Area of the Southwest Area Plan, which covers 17,910 acres in Riverside County. Policies under the Plan establish a framework for the implementing Wine Country Zones and Design Guidelines. "The primary purpose of the Winery District is to promote the establishment of additional commercial activities that support tourism while ensuring long-term viability of the wine industry. The secondary purpose of the Winery District is to recognize, and allow the expansion of, existing wineries that are integral part of the Temecula Valley Wine Country economy."³

This finding refers to the Land Conservation Act definition of agricultural lands, which is described as the "use of land, including but not limited to greenhouses, for the purpose of producing an agricultural commodity for commercial purposes."⁴ An agricultural commodity is defined as "any and all plant and animal products produced in this state for commercial purposes, including, but not limited to, plant products used for producing biofuels."⁵ Uses or structures unrelated to producing an agricultural commodity remove land from agricultural use. Many of the uses allowed as "incidental" under the Citrus Vineyard and Wine Country Zones are not considered, by the Department, to be related to producing an agricultural commodity, and are considered a displacement of agricultural use as defined by the Land Conservation Act.

The County disagrees with the Department of Conservation's very limited interpretation of the Land Conservation Act. This action will in fact encourage the use of agricultural on adjacent lands by increasing the economic viability of keeping land under agriculture, and thus promote the intent of both the County's General Plan and Zoning code to both maintain the amount of land under cultivation in the Temecula Valley Wine Country and even increase the land under cultivation. As a result of this action adjacent lands will not be encouraged to be converted to tract homes or commercial

industrial uses, but to Winery uses which have a minimum requirement of at least 75% of the land must be under cultivation.

(4) That cancellation will not result in discontinuous patterns of urban development.

The initial study states that the "project will not require additional construction of utilities or public facilities as it is already developed with existing water, sewer, gas, and electrical services."⁷ This type of infrastructure is normally associated with urban development. The construction of a hotel, spa and fitness club, restaurant, wedding pavilion (including a chapel for weddings only), retail uses, detached cottages and villas, an event center, a 1,800-seat amphitheater, and parking areas, although allowed under the Wine Country Zone in the Temecula Valley Wine Country Policy Area, have the same elements as developed property in an urban environment. It is therefore likely that the partial cancellation will result in patterns similar to discontinuous urban development.

The County disagrees with the Department of Conservation's view of urban development. The County does not consider these hospitality uses as urban development, but ancillary to the agricultural use. An ancillary use is a use that is subordinate to the primary use, these hospitality uses can only take up a maximum of 25% of the project site and therefore are subordinate to the 75% of the project site that is under cultivation. On an even more practical level, these types of Winery developments in the Temecula Valley Wine Country could not be considered urban, or even suburban, this area of Riverside County is very rural with hundreds of acres under cultivation and these Winery developments are consistent with that rural character.

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March 15, 2016

VIA ELECTRONIC MAIL
AND HAND DELIVERY

Board of Supervisors
County of Riverside
4080 Lemon Street
Riverside, California 92501

Re: *Agenda Item 16-01, Conditional Use Permit No. 3707, Variance No. 1898*

Dear Honorable Chair and Members of the Board of Supervisors:

This office represents Calvary Chapel Bible Fellowship ("Calvary"), a church that has been located in Temecula's Wine Country for the past twenty years. Calvary has experienced significant growth in its congregation and has been working diligently to expand its church facilities to accommodate its growth. In 2010, Calvary submitted a project application to expand its facilities and over the last six years has been unable to get its project through the entitlement process. Meanwhile, Calvary continues to watch surrounding property owners "fast-track" non-religious projects under CEQA's negative declarations or mitigated negative declarations due to the County funded EIR 524.

Meanwhile, Calvary's project cannot get out of the starting gate because of alleged concerns over agricultural needs, pesticide uses, traffic impacts, etc. None of those issues appear to be concerns for non-religious projects, like Mt. Palomar. The project approval today includes a hotel, spas, a restaurant, a wedding pavilion, retail uses, cottages, villas, an event center, a 1,800 seat amphitheater and, most importantly, a chapel. Yet, the following environmental impacts were not studied or mitigated: the use of pesticides, traffic impacts, or the reduction of valuable agricultural lands. In addition, the Mt. Palomar project takes advantage of processing a CEQA mitigated negative declaration even though the following issues cannot be reasonably considered less than significant:

- 16.60 acres of protected agricultural land will be removed from a Williamson Act contract without proper mitigation.
- Noise impacts will be significant. The project does not comply with the County's noise requirements and the project seeks an exception to accepted noise standards. A 1,800 seat amphitheater will generate a lot of noise, and when combined with the hotel, restaurant, and retail uses, the noise levels will be unacceptable. Moreover, there is no limit on the number of concerts without corresponding mitigation to reduce the impacts.
- Traffic impacts are also significant. There is no mitigation for traffic on this project, which will add thousands of travelers along Rancho California Road, which already suffers from failing intersections. The project will add a 1,800 seat amphitheater (not to mention a hotel, retail, cottages, and villas) yet the project offer no mitigation for

any of the foreseeable traffic impacts. This Project will cause significant traffic impacts and the project should be responsible for mitigating those impacts.

- The air quality analysis improperly concludes that there are no CO hot spots. But Rancho California Road is currently failing and traffic frequently backs-up leaving cars to idle along the roadway, dumping greenhouse gases along the way. The project is located in a nonattainment basin so the analysis improperly concludes no significant cumulative impact and also improperly concludes that neighboring residences are not sensitive receptors.
- Hydrology analysis fails to mention that Rancho California Road and Calle Contendo are already subject to ponding. The project clearly indicates it is located on a ridge and that it plans to build 271,600 square feet of buildings (nonporous surfaces) that will contribute to sheeting downhill to Rancho California Road and Calle Contendo without proper information regarding mitigation measures for water quality.
- Greenhouse Gas analysis concludes the project would exceed mass emissions thresholds but that is consistent with provisions of EIR 524. But EIR 524 specifically states that project specific analysis would be required.
- Cumulative analysis fails to mention any projects but rather cites to the EIR 524. EIR 524 did not study Calvary's pending application, therefore, the analysis fails to provide sufficient information.

Additionally, Calvary has been informed how important the planting requirements are to the Wine Country zones, but today's project provides little to no information of those requirements.

This letter is offered as Calvary's objections to the Mt. Palomar project on the basis of its failure to properly analyze environmental issues under CEQA. This failure to properly analyze environmental issues will result in additional burdens on Calvary's project, especially since today's project is not being required to provide any traffic mitigation whatsoever.

We respectfully request that the County Board of Supervisors not approve this project and require proper analysis of the above mentioned environmental issues and adoption of appropriate mitigation measures prior to project approval. If you need any additional information, please feel free to contact me at (951) 600-2733.

Kind regards,



Robert H. Tyler
Legal Counsel



State of California • Natural Resources Agency
Department of Conservation
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Sacramento, CA 95814
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Edmund G. Brown Jr., Governor
John M. Lowrie, Assistant Director

March 24, 2016

VIA EMAIL: LROSS@RCTLMA.ORG
Mr. Larry Ross, Principle Planner
Riverside County Planning Department
P.O. Box 1409
Riverside, CA 92502-1409

Dear Mr. Ross:

**PARTIAL CANCELLATION OF LAND CONSERVATION CONTRACT RANCHO CALIFORNIA NO. 4, MAP 1047;
MOUNT PALOMAR WINERY EXPANSION - RESORT**

The Department of Conservation (Department) monitors farmland conversion on a statewide basis and administers the California Land Conservation Act. The Department assumes that the County of Riverside has deemed the petition data and findings to be acceptable, and that the information provided reflects the views of the County as the lead agency.

PROJECT DESCRIPTION

The project site is located within the Temecula Valley Wine Country Policy Area of the Southwest Area Plan for Riverside County, 1.32 miles east of the City of Temecula. It is located on property north of Rancho California Road, east of La Serena Way, west of Calle Contento, and south of Vista Del Monte Road. The agricultural preserve and land conservation contract that encompasses the project site are coterminous and 172.04-acres in size.

The project proposes partial cancellation of 16.60-acres, which is a part of a planned development that includes the expansion of an existing winery on 9.23-acres to create a 23-acre winery resort destination with 64.70-acres of existing vineyards and 2.3-acres of olive trees. The property is classified as a mix of Farmland of Local Importance, Other Land, and Unique Farmland per the California Important Farmland Finder.¹ A partial diminishment from the boundaries of Agricultural Preserve (AP) No. 4, in addition to an infill of 3.25-acres of the same AP, will be processed to allow development of the proposed resort within the existing vineyard boundaries. The applicant has also proposed a zone change on the 90.40-acres (covering the resort and vineyards), from Citrus Vineyard to Wine Country-Winery. The zone change is required for properties that intend to be developed within the Temecula Valley Wine Country Policy Area, and to allow the proposed uses described below under a conditional use permit.²

¹ California Important Farmland Finder. California Department of Conservation.
<http://maps.conservation.ca.gov/ciff/ciff.html>.

² "Temecula Valley Wine Country Community Plan. County of Riverside General Plan - Southwest Area Plan - GPA No. 1077," Riverside County Planning Department. Page 4, SWAP 1.15(c)
<<http://www.socalwinecountryplan.org/LinkClick.aspx?fileticket=FCIia4ggJ3M%3d&tabid=38&mid=520>>,
accessed on March 23, 2016.

A conditional use permit is proposed for a 23-acre winery resort complex that will include a hotel, spa and fitness club, winery, tasting room, restaurant, wedding pavilion (including a chapel for weddings only), retail uses, detached cottages and villas, an event center, a 1,800-seat amphitheater, and paved parking areas. Included in the development permit requirements is a variance to exceed the height development standard for a tower element of the proposed winery and a noise ordinance exception for the amphitheater for amplified sounds. Overall, the proposed uses would total 271,600 square feet of structures and/or buildings for the resort. The proposed project will expand and redevelop the existing Mount Palomar Winery into a Class VI Winery Complex in the Wine Country-Winery zone designation for the County of Riverside.

REQUIRED CANCELLATION FINDINGS

The requirements necessary for cancellation of land conservation contracts are outlined in Government Code (GC) section 51282. The County must document the justification for the cancellation through a set of findings. Based on the petition, the cancellation is being processed under the Consistency with the Williamson Act findings outlined below in the Department's comments:

(1) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.

The Notice of Nonrenewal was recorded on September 22, 2014 as instrument No. 2014-0359022, in the Office of the County Recorder of Riverside County, California.

(2) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.

The project site is located within the Temecula Valley Wine Country Policy Area of the Southwest Area Plan, which covers 17,910 acres in Riverside County. Policies under the Plan establish a framework for the implementing Wine Country Zones and Design Guidelines. "The primary purpose of the Winery District is to promote the establishment of additional commercial activities that support tourism while ensuring long-term viability of the wine industry. The secondary purpose of the Winery District is to recognize, and allow the expansion of, existing wineries that are integral part of the Temecula Valley Wine Country economy."³

This finding refers to the Land Conservation Act definition of agricultural lands, which is described as the "use of land, including but not limited to greenhouses, for the purpose of producing an agricultural commodity for commercial purposes."⁴ An agricultural commodity is defined as "any and all plant and animal products produced in this state for commercial purposes, including, but not limited to, plant products used for producing biofuels."⁵ Uses or structures unrelated to producing an agricultural commodity remove land from agricultural use. Many of the uses allowed as "incidental" under the Citrus Vineyard and Wine Country Zones are not considered, by the Department, to be related to producing an agricultural commodity, and are considered a displacement of agricultural use as defined by the Land Conservation Act.

³ Ibid., Pages 3, 6, and 8.

⁴ Government Code section 51201(b)

⁵ Government Code section 51201(a)

The project proposes rezoning 90.40-acres of the land under contract to Wine County-Winery. Development of a resort winery is proposed on 23-acres, 16.60-acres of which are proposed for partial cancellation. This type of development will remove 23 acres of land from agricultural use. There are 31 existing wineries recognized under the Temecula Valley Wine Policy Area with the potential for future expansion and development.⁶ Continued development of agricultural land for tourism destinations within the Policy Area is encouraged. Therefore, this cancellation is likely to encourage and therefore result in the removal of adjacent lands from agricultural use.

(3) That cancellation is for an alternative use which is consistent with the applicable provisions of the city or county general plan.

The County has determined that the proposed use is consistent with the provisions of the Riverside County General Plan. Specifically, the project is consistent with the Temecula Valley Wine Country Policy Area's Wine County – Winery District designation. The primary purpose of the Winery District is to promote the establishment of additional commercial activities that support tourism while ensuring long-term viability of the wine industry. The second purpose of the Winery District is to recognize, and allow the expansion of, existing wineries that are an integral part of the Temecula Valley Wine Country economy. The proposed project implements this policy by allowing the expansion of and existing winery and its commercial activities that support tourism. Therefore, the cancellation is consistent with the applicable provisions of the Riverside County General Plan.

(4) That cancellation will not result in discontinuous patterns of urban development.

The initial study states that the "project will not require additional construction of utilities or public facilities as it is already developed with existing water, sewer, gas, and electrical services."⁷ This type of infrastructure is normally associated with urban development. The construction of a hotel, spa and fitness club, restaurant, wedding pavilion (including a chapel for weddings only), retail uses, detached cottages and villas, an event center, a 1,800-seat amphitheater, and parking areas, although allowed under the Wine Country Zone in the Temecula Valley Wine Country Policy Area, have the same elements as developed property in an urban environment. It is therefore likely that the partial cancellation will result in patterns similar to discontinuous urban development.

(5) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

The production portion of the winery along with the tasting room currently exists on the property. The petition states that there is no other noncontracted land nearby that is both available and suitable for the proposed project. The expansion of the winery is consistent with the proposed zoning and General Plan policies for the Temecula Valley Wine Country Policy Area. Therefore,

⁶ "Temecula Valley Wine Country Community Plan. County of Riverside General Plan - Southwest Area Plan – GPA No. 1077," (Page 4, see footnote 2).

⁷ "Environmental Assessment Number: 42718, Fast Track No. 201404, Conditional Use Permit No. 3707, Change of Zone No. 7845, Noise Ordinance Exception No. 8, Variance No. 1898, and Agricultural Case No. 1047 and 1048," Riverside County Planning Department. Riverside County, December 8, 2015, Page 2.

Mr. Larry Ross, Principle Planner
March 24, 2016
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development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

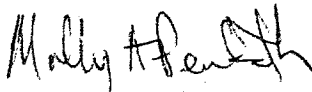
CANCELLATION FINDINGS CONCLUSIONS

The Department does not consider the proposed winery expansion capable of meeting findings number two and four as defined by the Land Conservation Act. Pursuant to Government Code Section 51284.1, the purpose of the comments above is to advise the Board of Supervisors on the required findings. The Board is then required to consider the comments in their final decision.

Thank you for the opportunity to provide comments on the proposed partial cancellation. Please provide our office with a copy of the public notice for the tentative cancellation, ten working days before the hearing, and a copy of the *recorded* tentative cancellation resolution within 30 days after approval, if it is granted, for the tentative cancellation pursuant to Government Code Section 51284.

Within 30 days of the landowner satisfying the conditions and contingencies required in an approved Tentative Cancellation Resolution, and payment of the required fee, the Board will record a Certificate of Cancellation for the contract. The County Treasurer is required to send the cancellation fee⁸ to State Controller within 30 days of recordation of the Certificate of Cancellation and a copy of the recorded Certificate of Cancellation to the Department of Conservation.⁹ If you have any questions concerning our comments, please contact Meri Meraz, Associate Environmental Planner at (916) 445-9411 or at mmeraz@conservation.ca.gov.

Sincerely,



Molly A Penberth, Manager
Division of Land Resource Protection
Conservation Support Unit

⁸ Please include some type of information identifying the cancellation on the check: APN(s), project name or number, landowner, applicant, etc.

⁹ When sending information to the Department of Conservation, please also confirm the date the cancellation payment was made to the State Controller.