

*Steve Weiss, AICP  
Planning Director*

# RIVERSIDE COUNTY PLANNING DEPARTMENT

February 22, 2017

Pala Band of Mission Indians  
PMB 50, 35008 Pala Temecula Rd.  
Pala, CA 92059

**SUBJECT: ASSEMBLY BILL 52 (AB 52) FORMAL NOTIFICATION (TR37254, EA42839)**

This serves to notify you of a proposed project located within Riverside County. A map depicting the location and a project description can be found below. Pursuant to Public Resources Code section 21080.3.1(d), if you wish to initiate consultation on this proposed project, please send a consultation request by March 24, 2017 to [hthomson@rivco.org](mailto:hthomson@rivco.org). To ensure an effective and good faith consultation effort, the request for consultation shall also indicate the following:

- Whether there are TCR's in project area. If so, what specifically is the TCR. The Tribe must provide County with substantial evidence to support this and if the TCR consists of a "landscape", the Tribe must also geographically define the landscape in terms of size and scope of the project.
- Is the Project causing a substantial adverse impact to a TCR? If so, what is that impact?

**Project Description:**

**CHANGE OF ZONE NO. 07885/GENERAL PLAN AMENDMENT NO. 01202/TENTATIVE TRACT MAP NO. 37254** – EA42839 – Applicant: Koll Custom Homes, Inc., c/o Greg Koll – Engineer/Representative: Love Engineering, Tom Love – Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Agricultural: Agricultural (AG:AG) (10 acre lot minimum) – Location: Northerly of Los Nogales Road and Westerly of Camino Del Vino – 51.5 Acres - Zoning: Citrus/Vineyard (C/V-10)-

**REQUEST: Change of Zone No. 7885** proposes to modify zoning classification C/V-10 to Wine Country – Winery (WC-W) Zone, **General Plan Amendment No. 01202** proposes to change the land use designation AG: AG to Wine Country Residential (WC-R) **Tentative Tract Map No. 37254** proposes to subdivide approximately 51.5 acres into 8 single family residential lots with a minimum of 5 acres - Schedule D – APNs: 927-450-002 – Concurrent Cases: N/A - Related Cases: TR36975

Sincerely,

PLANNING DEPARTMENT

Heather Thomson, Archaeologist

Riverside Office · 4080 Lemon Street, 12th Floor  
P.O. Box 1409, Riverside, California 92502-1409  
(951) 955-3200 · Fax (951) 955-3157

Desert Office · 77588 El Duna Court, Suite H  
Palm Desert, California 92211  
(760) 863-8277 · Fax (760) 863-7040

**Pg. 2 ASSEMBLY BILL 52 (AB 52) FORMAL NOTIFICATION (TR37254, EA42839)**

Email CC: Deborah Bradford, Dbradfor@rivco.org

Attachment: Project Vicinity Map and Project Aerial



• **RIVERSIDE COUNTY**  
**PLANNING DEPARTMENT**

*Steve Weiss, AICP*  
*Planning Director*

February 22, 2017

Pechanga Cultural Resources Department  
Anna Hoover, Cultural Analyst  
P.O. Box 2183  
Temecula, CA 92593

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# RIVERSIDE COUNTY PLANNING DEPARTMENT

Steve Weiss, AICP  
Planning Director

February 22, 2017

Ramona Band of Cahuilla  
Joseph D. Hamilton, Chairman  
56310 Highway 371, Suite B  
P.O. BOX 391670  
Anza, California 92539

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# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss, AICP  
Planning Director*

February 22, 2017

Rincon Band of Luiseño Indians  
Vincent Whipple  
1 West Tribal Road  
Valley Center, CA 92082

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# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss, AICP*  
*Planning Director*

February 22, 2017

Soboba Band of Luiseño Indians  
Joseph Ontiveros, Cultural Resource Director  
P.O. BOX 487  
San Jacinto, CA 92581

**SUBJECT: ASSEMBLY BILL 52 (AB 52) FORMAL NOTIFICATION (TR37254, EA42839)**

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TR37254




- Legend**
- City Boundaries
  - Cities
  - roads
  - highways
  - HWY
  - INTERCHANGE
  - INTERSTATE
  - OFFRAMP
  - ONRAMP
  - USHWY
  - counties
  - cities
  - hydrography
  - lines
  - waterbodies
  - Lakes
  - Rivers

Notes

**\*IMPORTANT\*** 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.

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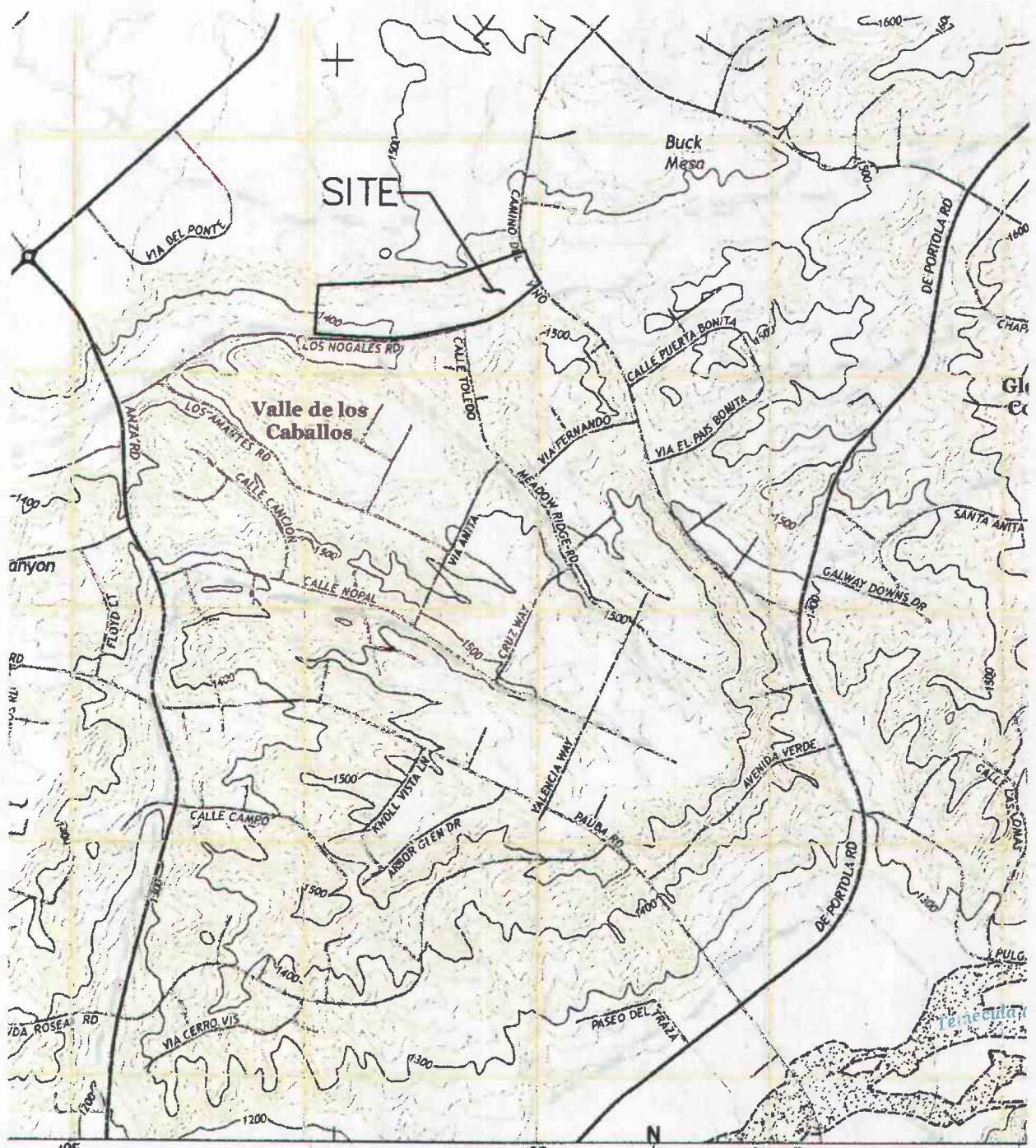


REPORT PRINTED ON ... 2/22/2017 3:43:05 PM

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TENTATIVE TRACT 37254  
USGS MAP



BACHELOR MOUNTAIN QUADRANGLE  
SCALE 1" = 200'



# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Agua Caliente Band of Cahuilla Indians  
Jeff Grubbe, Chairperson  
5401 Dinah Shore Drive  
Palm Springs, CA 92264

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Grubbe,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

**CHANGE OF ZONE NO. 07885/GENERAL PLAN AMENDMENT NO. 01202/TENTATIVE TRACT MAP NO. 37254 – EA42839 – Applicant: Koll Custom Homes, Inc., c/o Greg Koll – Engineer/Representative: Love Engineering, Tom Love – Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Agricultural: Agricultural (AG:AG) (10 acre lot minimum)**

**Location:** Northerly of Los Nogales Road and Westerly of Camino Del Vino – 51.5 Acres -  
**Zoning:** Citrus/Vineyard (C/V-10)

**REQUEST:** Change of Zone No. 7885 proposes to modify zoning classification C/V-10 to Wine Country – Winery (WC-W) Zone, General Plan Amendment No. 01202 proposes to change the land use designation AG: AG to Wine Country Residential (WC-R) Tentative Tract Map No. 37254 proposes to subdivide approximately 51.5 acres into 8 single family residential lots with a minimum of 5 acres - Schedule D – APNs: 927-450-002 – Concurrent Cases: N/A - Related Cases: TR36975

Any information you have regarding cultural places will be kept strictly confidential and will not be divulged to the public.

Riverside County feels that your assistance is vital to the preservation and conservation of ancestral tribal sites during the current growth that the County is experiencing. It is the desire of Riverside County to protect the past and our collective heritage as we proceed towards the future. Please forward any comments or requests for meetings concerning this project to Heather Thomson at 951-955-2873 or [hthomson@rivco.org](mailto:hthomson@rivco.org) by June 4, 2017.

Sincerely,  
Riverside County Planning Department

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

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Pg. 2



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Heather Thomson M.A, RPA  
County Archaeologist

Attachments: USGS map  
Email CC: Deborah Bradford, [Dbradfor@rivco.org](mailto:Dbradfor@rivco.org)



**RIVERSIDE COUNTY**  
**PLANNING DEPARTMENT**

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

La Jolla Band of Luiseno Indians  
Thomas Rodriguez, Chairperson  
22000 Highway 76  
Pauma Valley, CA 92061

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Rodriguez,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

**CHANGE OF ZONE NO. 07885/GENERAL PLAN AMENDMENT NO. 01202/TENTATIVE TRACT MAP NO. 37254 - EA42839 - Applicant: Koll Custom Homes, Inc., c/o Greg Koll - Engineer/Representative: Love Engineering, Tom Love - Third Supervisorial District - Rancho California Zoning Area - Southwest Area Plan: Agricultural: Agricultural (AG:AG) (10 acre lot minimum)**

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*"Planning Our Future... Preserving Our Past"*

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Attachments: USGS map  
Email CC: Deborah Bradford, [Dbradfor@rivco.org](mailto:Dbradfor@rivco.org)





# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Santa Rosa Band of Mission Indians  
Steven Estrada, Chairperson  
P.O. Box 391820  
Anza, CA 92539

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Estrada,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

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*Heather Thomson*

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# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Soboba Band of Luiseno Indians  
Rosemary Morillo, Chairperson  
P.O. Box 487  
San Jacinto, CA 92583

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Morillo,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

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# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Sycuan Band of Kumeyaay Nation  
Cody J. Martinez, Chairperson  
1 Kwaaypaay Court  
El Cajon, CA 92019

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Martinez,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

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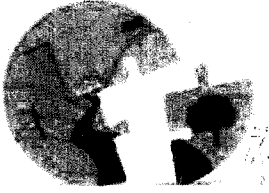
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*Heather Thomson*

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Heather Thomson M.A, RPA  
County Archaeologist

Attachments: USGS map  
Email CC: Deborah Bradford, [Dbradfor@rivco.org](mailto:Dbradfor@rivco.org)



# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Augustine Band of Cahuilla Mission Indians  
Amanda Vance, Chairperson  
P.O. Box 486  
Coachella, CA 92236

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Vance,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

**CHANGE OF ZONE NO. 07885/GENERAL PLAN AMENDMENT NO. 01202/TENTATIVE TRACT MAP NO. 37254 – EA42839 – Applicant: Koll Custom Homes, Inc., c/o Greg Koll – Engineer/Representative: Love Engineering, Tom Love – Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Agricultural: Agricultural (AG:AG) (10 acre lot minimum)**

**Location: Northerly of Los Nogales Road and Westerly of Camino Del Vino – 51.5 Acres – Zoning: Citrus/Vineyard (C/V-10)**

**REQUEST: Change of Zone No. 7885 proposes to modify zoning classification C/V-10 to Wine Country – Winery (WC-W) Zone, General Plan Amendment No. 01202 proposes to change the land use designation AG: AG to Wine Country Residential (WC-R) Tentative Tract Map No. 37254 proposes to subdivide approximately 51.5 acres into 8 single family residential lots with a minimum of 5 acres - Schedule D – APNs: 927-450-002 – Concurrent Cases: N/A - Related Cases: TR36975**

Any information you have regarding cultural places will be kept strictly confidential and will not be divulged to the public.

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Sincerely,  
Riverside County Planning Department

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

Desert Office · 77588 El Duna Ct, Suite H  
Palm Desert, California 92211  
(760) 863-8277 · Fax (760) 863-7555

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Heather Thomson M.A, RPA  
County Archaeologist

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**RIVERSIDE COUNTY**  
**PLANNING DEPARTMENT**

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Cabazon Band of Mission Indians  
Doug Welmas, Chairperson  
84-245 Indio Springs Parkway  
Indio, CA 92203

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Welmas,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

**CHANGE OF ZONE NO. 07885/GENERAL PLAN AMENDMENT NO. 01202/TENTATIVE TRACT MAP NO. 37254 – EA42839 – Applicant: Koll Custom Homes, Inc., c/o Greg Koll – Engineer/Representative: Love Engineering, Tom Love – Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Agricultural: Agricultural (AG:AG) (10 acre lot minimum)**

**Location:** Northerly of Los Nogales Road and Westerly of Camino Del Vino – 51.5 Acres -  
**Zoning:** Citrus/Vineyard (C/V-10)

**REQUEST:** Change of Zone No. 7885 proposes to modify zoning classification C/V-10 to Wine Country – Winery (WC-W) Zone, General Plan Amendment No. 01202 proposes to change the land use designation AG: AG to Wine Country Residential (WC-R) Tentative Tract Map No. 37254 proposes to subdivide approximately 51.5 acres into 8 single family residential lots with a minimum of 5 acres - Schedule D – APNs: 927-450-002 – Concurrent Cases: N/A - Related Cases: TR36975

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Pg. 2

*Heather Thomson*

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# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Cahuilla Band of Indians  
Luther Salgado, Chairperson  
52701 U.S Highway 371  
Anza, CA 92539

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Salgado,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

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**Location:** Northerly of Los Nogales Road and Westerly of Camino Del Vino – 51.5 Acres -  
**Zoning:** Citrus/Vineyard (C/V-10)

**REQUEST:** Change of Zone No. 7885 proposes to modify zoning classification C/V-10 to Wine Country – Winery (WC-W) Zone, General Plan Amendment No. 01202 proposes to change the land use designation AG: AG to Wine Country Residential (WC-R) Tentative Tract Map No. 37254 proposes to subdivide approximately 51.5 acres into 8 single family residential lots with a minimum of 5 acres - Schedule D – APNs: 927-450-002 – Concurrent Cases: N/A - Related Cases: TR36975

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**RIVERSIDE COUNTY**  
**PLANNING DEPARTMENT**

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Campo Band of Mission Indians  
Ralph Goff, Chairperson  
36190 Church Road, Suite 1  
Campo, CA 91906

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Goff,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

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**Location:** Northerly of Los Nogales Road and Westerly of Camino Del Vino – 51.5 Acres -  
**Zoning:** Citrus/Vineyard (C/V-10)

**REQUEST:** Change of Zone No. 7885 proposes to modify zoning classification C/V-10 to Wine Country – Winery (WC-W) Zone, General Plan Amendment No. 01202 proposes to change the land use designation AG: AG to Wine Country Residential (WC-R) Tentative Tract Map No. 37254 proposes to subdivide approximately 51.5 acres into 8 single family residential lots with a minimum of 5 acres - Schedule D – APNs: 927-450-002 –  
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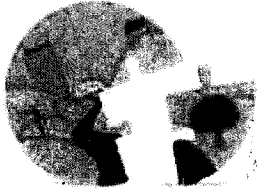
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**RIVERSIDE COUNTY**  
**PLANNING DEPARTMENT**

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Ewiiapaayp Tribal Office  
Michael Garcia, Vice Chairperson  
4054 Willows Road  
Alpine, CA 91901

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Vice Chairperson Garcia,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

**CHANGE OF ZONE NO. 07885/GENERAL PLAN AMENDMENT NO. 01202/TENTATIVE TRACT MAP NO. 37254 – EA42839 – Applicant: Koll Custom Homes, Inc., c/o Greg Koll – Engineer/Representative: Love Engineering, Tom Love – Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Agricultural: Agricultural (AG.AG) (10 acre lot minimum)**

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# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Ewiaapaayp Tribal Office  
Robert Pinto, Chairperson  
4054 Willows Road  
Alpine, CA 91901

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Pinto,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

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*Steve Weiss, AICP  
Planning Director*

## RIVERSIDE COUNTY PLANNING DEPARTMENT

March 6, 2017

Jamul Indian Village  
Erica Pinto, Chairperson  
P.O. Box 612  
Jamul, CA 91935

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Pinto,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

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# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss, AICP  
Planning Director*

March 6, 2017

La Posta Band of Mission Indians  
Javaughn Miller, Tribal Administrator  
8 Crestwood Road  
Boulevard, CA 91905

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Tribal Administrator Miller,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

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# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

La Posta Band of Mission Indians  
Gwendolyn Parada, Chairperson  
8 Crestwood Road  
Boulevard, CA 91905

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Parada,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

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# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Los Coyotes Band of Mission Indians  
Shane Chapparosa, Chairperson  
P.O. Box 189  
Warner Springs, CA 92086

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Chapparosa,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

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**RIVERSIDE COUNTY**  
**PLANNING DEPARTMENT**

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Manzanita Band of Kumeyaay Nation  
Angela Elliott Santos, Chairperson  
P.O. Box 1302  
Boulevard, CA 91905

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Santos,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

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**Location: Northerly of Los Nogales Road and Westerly of Camino Del Vino – 51.5 Acres -  
Zoning: Citrus/Vineyard (C/V-10)**

**Request: Change of Zone No. 7885 proposes to modify zoning classification C/V-10 to Wine Country – Winery (WC-W) Zone, General Plan Amendment No. 01202 proposes to change the land use designation AG: AG to Wine Country Residential (WC-R) Tentative Tract Map No. 37254 proposes to subdivide approximately 51.5 acres into 8 single family residential lots with a minimum of 5 acres - Schedule D – APNs: 927-450-002 – Concurrent Cases: N/A - Related Cases: TR36975**

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Sincerely,  
Riverside County Planning Department

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

Desert Office · 77588 El Duna Ct, Suite H  
Palm Desert, California 92211  
(760) 863-8277 · Fax (760) 863-7555

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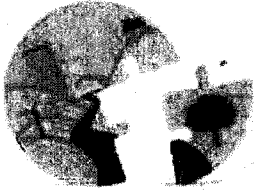
Pg. 2

*Heather Thomson*

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Heather Thomson M.A, RPA  
County Archaeologist

Attachments: USGS map  
Email CC: Deborah Bradford, [Dbradfor@rivco.org](mailto:Dbradfor@rivco.org)



**RIVERSIDE COUNTY**  
**PLANNING DEPARTMENT**

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Mesa Grande Band of Mission Indians  
Virgil Oyos, Chairperson  
P.O. Box 270  
Santa Ysabel, CA 92070

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Oyos,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

**CHANGE OF ZONE NO. 07885/GENERAL PLAN AMENDMENT NO. 01202/TENTATIVE TRACT MAP NO. 37254 – EA42839 – Applicant: Koll Custom Homes, Inc., c/o Greg Koll – Engineer/Representative: Love Engineering, Tom Love – Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Agricultural: Agricultural (AG:AG) (10 acre lot minimum)**

**Location: Northerly of Los Nogales Road and Westerly of Camino Del Vino – 51.5 Acres - Zoning: Citrus/Vineyard (C/V-10)**

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Heather Thomson M.A, RPA  
County Archaeologist

Attachments: USGS map  
Email CC: Deborah Bradford, [Dbradfor@rivco.org](mailto:Dbradfor@rivco.org)



# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Morongo Band of Mission Indians  
Robert Martin, Chairperson  
12700 Pumarra Road  
Banning, CA 92220

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Martin,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

**CHANGE OF ZONE NO. 07885/GENERAL PLAN AMENDMENT NO. 01202/TENTATIVE TRACT MAP NO. 37254 - EA42839** – Applicant: Koll Custom Homes, Inc., c/o Greg Koll – Engineer/Representative: Love Engineering, Tom Love – Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Agricultural: Agricultural (AG:AG) (10 acre lot minimum)

**Location:** Northerly of Los Nogales Road and Westerly of Camino Del Vino – 51.5 Acres -  
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**Concurrent Cases:** N/A - **Related Cases:** TR36975

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Pg. 2



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Heather Thomson M.A, RPA  
County Archaeologist

Attachments: USGS map  
Email CC: Deborah Bradford, [Dbradfor@rivco.org](mailto:Dbradfor@rivco.org)





# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Pauma Band of Luiseno Indians -Pauma & Yulma Reservation  
Temet Aguilar, Chairperson  
P.O Box 369, Ext. 303  
Pauma Valley, CA 92061

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Aguilar,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

**CHANGE OF ZONE NO. 07885/GENERAL PLAN AMENDMENT NO. 01202/TENTATIVE TRACT MAP NO. 37254 – EA42839 – Applicant: Koll Custom Homes, Inc., c/o Greg Koll – Engineer/Representative: Love Engineering, Tom Love – Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Agricultural: Agricultural (AG:AG) (10 acre lot minimum)**

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Pg. 2

*Heather Thomson*

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County Archaeologist

Attachments: USGS map

Email CC: Deborah Bradford, [Dbradfor@rivco.org](mailto:Dbradfor@rivco.org)



**RIVERSIDE COUNTY**  
**PLANNING DEPARTMENT**

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Pechanga Band of Mission Indians  
Mark Macarro, Chairperson  
P.O. Box 1477  
Temecula, CA 92593

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Macarro,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

**CHANGE OF ZONE NO. 07885/GENERAL PLAN AMENDMENT NO. 01202/TENTATIVE TRACT MAP NO. 37254** – EA42839 – Applicant: Koli Custom Homes, Inc., c/o Greg Koll – Engineer/Representative: Love Engineering, Tom Love – Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Agricultural; Agricultural (AG:AG) (10 acre lot minimum)

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Pg. 2



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Heather Thomson M.A, RPA  
County Archaeologist

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Email CC: Deborah Bradford, [Dbradfor@rivco.org](mailto:Dbradfor@rivco.org)



**RIVERSIDE COUNTY**  
**PLANNING DEPARTMENT**

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Ramona Band of Mission Indians  
Joseph Hamilton, Chairperson  
P.O Box 391670  
Anza, CA 92539

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Hamilton,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

**CHANGE OF ZONE NO. 07885/GENERAL PLAN AMENDMENT NO. 01202/TENTATIVE TRACT MAP NO. 37254 – EA42839 – Applicant: Koll Custom Homes, Inc., c/o Greg Koll – Engineer/Representative: Love Engineering, Tom Love – Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Agricultural: Agricultural (AG:AG) (10 acre lot minimum)**

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Email CC: Deborah Bradford, [Dbradfor@rivco.org](mailto:Dbradfor@rivco.org)



**RIVERSIDE COUNTY**  
**PLANNING DEPARTMENT**

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Rincon Band of Mission Indians  
Jim McPherson, Tribal Historic Preservation Officer  
1 West Tribal Road  
Valley Center, CA 92082

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Tribal Historic Preservation Officer McPherson,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

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Pg. 2

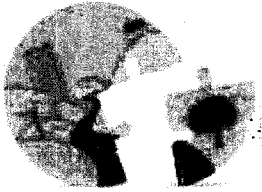


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**RIVERSIDE COUNTY**  
**PLANNING DEPARTMENT**

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Rincon Band of Mission Indians  
Bo Mazzetti, Chairperson  
1 West Tribal Road  
Valley Center, CA 92082

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Mazzetti,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

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Email CC: Deborah Bradford, [Dbradfor@rivco.org](mailto:Dbradfor@rivco.org)



# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

San Luis Rey Band of Mission Indians  
San Luis Rey, Tribal Council  
1889 Sunset Drive  
Vista, CA 92081

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Tribal Council,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

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County Archaeologist

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# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

San Pasqual Band of Mission Indians  
Allen E. Lawson, Chairperson  
P.O. Box 365  
Valley Center, CA 92082

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Lawson,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

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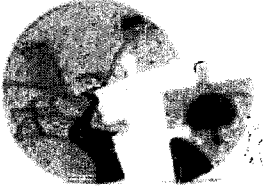
Pg. 2

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County Archaeologist

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**RIVERSIDE COUNTY**  
**PLANNING DEPARTMENT**

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Pala Band of Mission Indians  
Robert Smith, Chairperson  
12196 Pala Mission Road  
Pala, CA 92059

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Smith,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

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Any information you have regarding cultural places will be kept strictly confidential and will not be divulged to the public.

Riverside County feels that your assistance is vital to the preservation and conservation of ancestral tribal sites during the current growth that the County is experiencing. It is the desire of Riverside County to protect the past and our collective heritage as we proceed towards the future. Please forward any comments or requests for meetings concerning this project to Heather Thomson at 951-955-2873 or [hthomson@rivco.org](mailto:hthomson@rivco.org) by June 4, 2017.

Sincerely,  
Riverside County Planning Department

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

Desert Office · 77588 El Duna Ct, Suite H  
Palm Desert, California 92211  
(760) 863-8277 · Fax (760) 863-7555

*"Planning Our Future... Preserving Our Past"*

Pg. 2

*Heather Thomson*

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Heather Thomson M.A, RPA  
County Archaeologist

Attachments: USGS map  
Email CC: Deborah Bradford, [Dbradfor@rivco.org](mailto:Dbradfor@rivco.org)





# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss, AICP  
Planning Director*

March 6, 2017

Torres- Martinez Desert Cahuilla Indians  
Mary Resvaloso, Chairperson  
P.O Box 1160  
Thermal, CA 92274

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Resvaloso,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

**CHANGE OF ZONE NO. 07885/GENERAL PLAN AMENDMENT NO. 01202/TENTATIVE TRACT MAP NO. 37254 – EA42839** – Applicant: Koll Custom Homes, Inc., c/o Greg Koll – Engineer/Representative: Love Engineering, Tom Love – Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Agricultural: Agricultural (AG:AG) (10 acre lot minimum)

**Location:** Northerly of Los Nogales Road and Westerly of Camino Del Vino – 51.5 Acres -  
**Zoning:** Citrus/Vineyard (C/V-10)

**Request:** Change of Zone No. 7885 proposes to modify zoning classification C/V-10 to Wine Country – Winery (WC-W) Zone, General Plan Amendment No. 01202 proposes to change the land use designation AG: AG to Wine Country Residential (WC-R) Tentative Tract Map No. 37254 proposes to subdivide approximately 51.5 acres into 8 single family residential lots with a minimum of 5 acres - Schedule D – APNs: 927-450-002 –  
**Concurrent Cases:** N/A - **Related Cases:** TR36975

Any information you have regarding cultural places will be kept strictly confidential and will not be divulged to the public.

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Heather Thomson M.A, RPA  
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Attachments: USGS map  
Email CC: Deborah Bradford, [Dbradfor@rivco.org](mailto:Dbradfor@rivco.org)



# RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss, AICP*  
*Planning Director*

March 6, 2017

Viejas Band of Kumeyaay Indians  
Robert J. Welch, Chairperson  
1 Viejas Grande Road  
Alpine, CA 91901

RE: Native American SB18 Consultation request for **General Plan Amendment No. 1202**

Dear Chairperson Welch,

The County of Riverside requests your participation in the review of **General Plan Amendment No. 1202**. This project is subject to the California Environmental Quality Act (CEQA) and Section 65352.3 of the Government Code (Senate Bill 18 [2004]).

**CHANGE OF ZONE NO. 07885/GENERAL PLAN AMENDMENT NO. 01202/TENTATIVE TRACT MAP NO. 37254 – EA42839 – Applicant: Koll Custom Homes, Inc., c/o Greg Koll – Engineer/Representative: Love Engineering, Tom Love – Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Agricultural: Agricultural (AG:AG) (10 acre lot minimum)**

**Location:** Northerly of Los Nogales Road and Westerly of Camino Del Vino – 51.5 Acres  
**Zoning:** Citrus/Vineyard (C/V-10)

**Request:** Change of Zone No. 7885 proposes to modify zoning classification C/V-10 to Wine Country – Winery (WC-W) Zone, General Plan Amendment No. 01202 proposes to change the land use designation AG: AG to Wine Country Residential (WC-R) Tentative Tract Map No. 37254 proposes to subdivide approximately 51.5 acres into 8 single family residential lots with a minimum of 5 acres - Schedule D – APNs: 927-450-002 –  
**Concurrent Cases:** N/A - **Related Cases:** TR36975

Any information you have regarding cultural places will be kept strictly confidential and will not be divulged to the public.

Riverside County feels that your assistance is vital to the preservation and conservation of ancestral tribal sites during the current growth that the County is experiencing. It is the desire of Riverside County to protect the past and our collective heritage as we proceed towards the future. Please forward any comments or requests for meetings concerning this project to Heather Thomson at 951-955-2873 or [hthomson@rivco.org](mailto:hthomson@rivco.org) by June 4, 2017.

Sincerely,  
Riverside County Planning Department

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Pg. 2

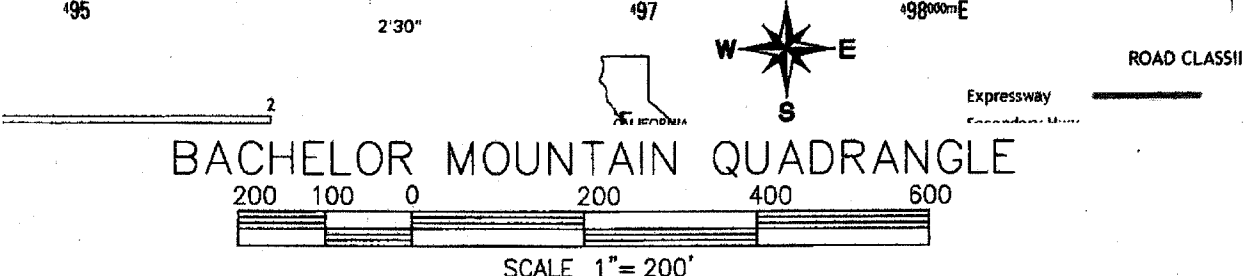
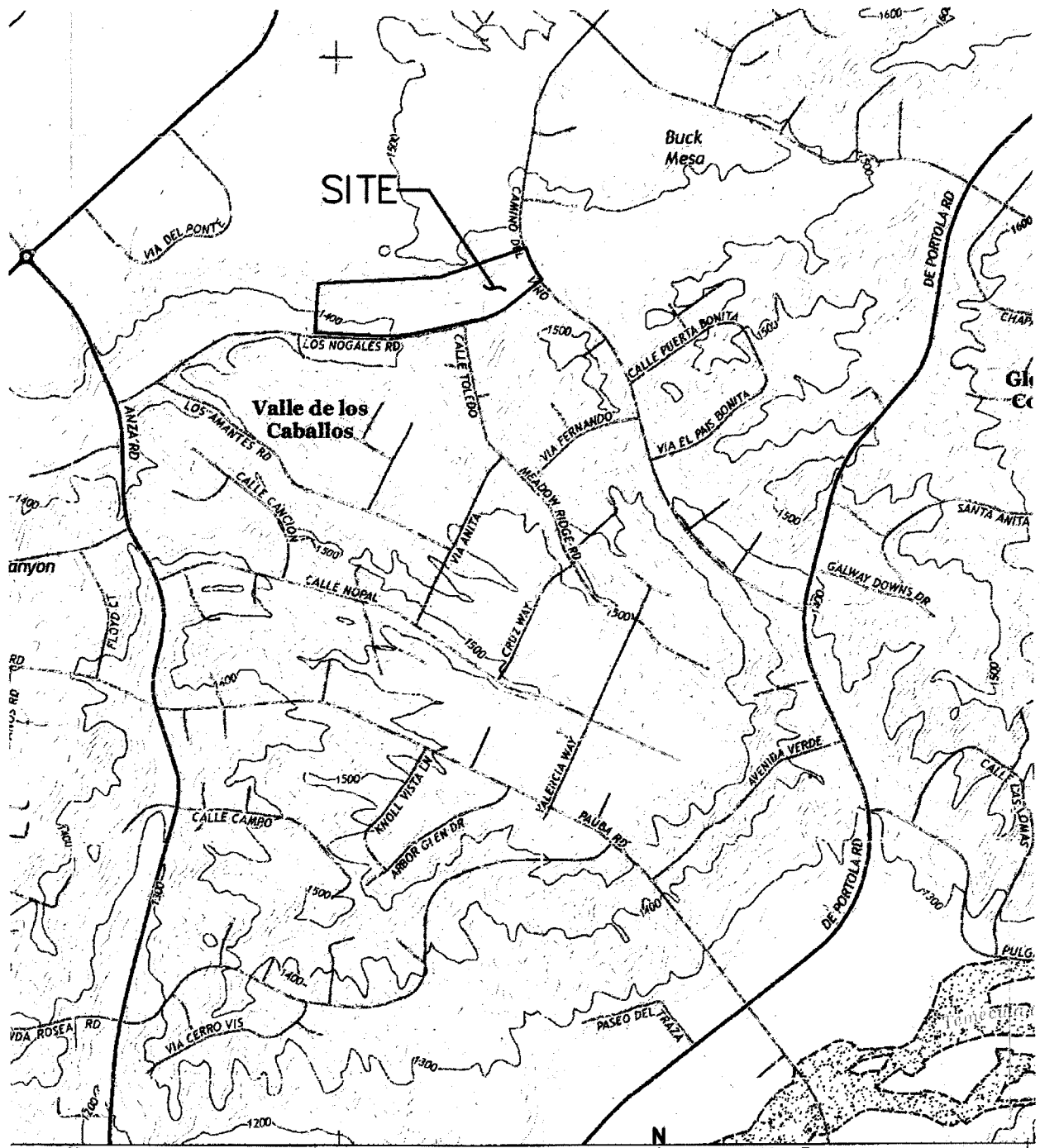


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Heather Thomson M.A, RPA  
County Archaeologist

Attachments: USGS map  
Email CC: Deborah Bradford, [Dbradfor@rivco.org](mailto:Dbradfor@rivco.org)

TENTATIVE TRACT 37254  
USGS MAP



BACHELOR MOUNTAIN QUADRANGLE

SCALE 1" = 200'

**Bradford, Deborah**

---

**From:** Mike Gordon <belizemg@gmail.com>  
**Sent:** Sunday, January 28, 2018 10:45 AM  
**To:** rbrady@rico.org; Bradford, Deborah  
**Subject:** Fwd: Los Nogales Project  
**Attachments:** TR 37254\_05\_02\_17.pdf

Dear Russell and Deborah,

How are you? We're writing you a quick note regarding the project listed below. I had the opportunity to discuss the proposal with Mr. Koll and he was kind enough to go over some details as well as sending me the drawing. These 8 homes with grapes will greatly improve our street both visually and property value.

My wife & I own 4 properties in the area including 2 that are approximately across the street from this development. One of the main reasons Teresa & I are confident and excited about this is that we've had experience of owning 2 other properties directly across the street from another project they're building on Los Amantes. This is just around the corner from this proposed development. We can honestly say that Mr. Koll has been a pleasure to work with, quickly addressing any questions or concerns we had to our complete satisfaction.

These projects take a long time to complete so it's good to know that the developer actually cares about the neighbors/neighborhood. Mr. Koll doesn't cut corners and his project are run with attention to detail.

We can't wait to look across Los Nogales and see the new homes and vineyards.  
Thanks and God Bless, Mike & Teresa Gordon

The information for this project is APN 927-450-002, Tract Map 37254, Change of Zone 7885 and General Plan Amendment 1202.

December 22, 2017

Russell Brady  
Riverside County Planning Commission  
4080 Lemon Street, 12th Floor  
Riverside, CA 92501

Dear Russell,

I am writing to express my support for Tract Map 37254 and GPA 1202.

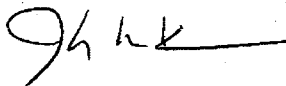
I live on Camino Del Vino road just north of the subject property. There are some weekends where it can take me 40 minutes just to make it from my house into the City of Temecula due to the traffic from some of the wineries.

While the wineries are great on the major roadways, allowing a winery on some of the smaller streets in between Rancho California Road and De Portola Road will only introduce a lot of this traffic into the residential areas.

I fully support the General Plan Amendment and the Change of Zone for this property to be included in the Wine Country Residential Zone. Along with Tract Map 37254, this will preclude the possibility of any Winery ever being developed in this area which is only surrounded by residential property.

Thank you for your time.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Jh h k', with a long horizontal stroke extending to the right.

Johnny Hernandez  
39311 Camino Del Vino  
Temecula, CA 92592

To: Riverside County Planning Commissioners and Board of Supervisors  
C/O Deborah Bradford, Project Planner (dbradfor@rivco.org | 951-955-6646)

cc: Russell Brady, Contract Planner (rbrady@rctlma.org | 951-955-3025)

From: Larry Smalley, Neighbor of Subject Property, 35725 Los Nogales Road (APN 927460001)

Re: **STATEMENT OF OPPOSITION**

Date: February 12, 2018

**SUBJECT**

- GENERAL PLAN AMENDMENT NO. 1202 ("GPA 1202" / "Plan")
- Tentative Tract Map TR37254 ("TR37254") / Environmental Assessment EA42839 ("EA42839")
- Applicant: Koll Customer Homes and Owner: Heavenstone, LLC ("Applicant")
- Property APN: 927450002 ("Property")

**SUMMARY**

GPA 1202 would move the Property from the Winery District (10-acre lots per residential home) into the Residential District (5-acre lots). My opposition to GPA 1202 is three fold: 1) preserve Wine Country, 2) protect our environment, and 3) ensure ingress/egress to *my parcel* in a major storm event. This Plan violates all 3 principles by doubling density, failing to conserve ecological resources and creating unsafe road conditions for my property as well as other properties. I ask that the Planning Commission and the Board of Supervisors **reject fully** (not modify) GPA 1202, TR37254, the Negative Declaration, EA42839 and all related cases. The County has no compelling interest in granting this risky exception and harming the environment; and the Applicant has other viable development options. See the attached map/image (last page), Key Points and Discussion (below) for more detail on these essential arguments.

**KEY POINTS**

- GPA 1202 is **inconsistent** with the goals and guidelines of the Temecula Valley Wine Country Community Plan (TVWCCP, GPA 1077, March 2014) and would do irreparable damage to the area. This internal inconsistency among the elements of the General Plan is prohibited under Ordinance 348.
- GPA 1202 and TR37254 would have significant **negative effects** on the environment since sensitive Wetlands and visitor traffic are not addressed. The Plan produces potentially unsafe road conditions for *my parcel* in the event of a major storm event that could limit access of emergency services.
- GPA 1202 would create a **problematic precedent** encouraging other owners to convert Wine Country properties to estate homes. A GPA doubling housing density in the Wine Country has never been approved since the TVWCCP was adopted.

**DISCUSSION: GPA 1202 is inconsistent with the goals and guidelines of the TVWCCP**

GPA 1202 would do irreparable damage to the area and is inconsistent with the TVWCCP. This internal inconsistency among the elements of the General Plan is prohibited under Ordinance 348. The Applicant's Plan is to convert a 50-acre vineyard in the Winery District to a subdivision with eight (8) lots, each with a 10,000 sq. ft. estate home and its own helipad. This is **double** the permissible density limit set for the Winery District per the TVWCCP and the existing/previous zoning of Citrus/Vineyard-10 (C/V-10). To achieve his goal, the Applicant seeks approval of GPA 1202 that would move the Property into the Residential District from the Winery District. If the variance is granted, the Applicant doubles the permissible density with homes valued at \$5M to \$7M each, sprawled across half of the length of Los Nogales Road (see TR37254 and SEC 10-K filing for the Applicant's intentions). This Plan is completely inconsistent with the goals and guidelines of the TVWCCP: ensuring long-term viability of the wine industry, promoting a strong identity for the Temecula Valley Wine Country brand and preserving the distinctive character of this unique area.

The Applicant acquired the Property in Nov. 2014, seven months after the Wine Country Plan was adopted. The Applicant knew, or should have known, the zoning of the Property (Winery District / C/V-10) as well as the guidelines for developing a Property per **Ordinance 348, Article XIVd, Section 14.92**. One key component of the Winery District and C/V-10 is a minimum lot size of 10 gross acres per residential home. The Wine Country framers and planners, and the public, through ten years of thoughtful consideration that involved the hard work of task forces, voiced the vision of concerned community members, politicians, and land use experts in the form of the TVWCCP. The determination was that the best way to preserve Wine Country was through limiting density and requiring the planting of vineyards over a specified portion of the property (and other requirements).



The County designated Los Nogales Rd. (dirt/unimproved, not County maintained) as the dividing line between the Winery and Residential Districts (see TVWCCP Figure 4A). The entirety of Los Nogales Road is bordered by a Blue Line Stream, which serves as a natural border. The Applicant seeks a re-drawing of Winery District rules by creating a carve-out so that his parcel may be considered part of the Residential District and developed in accordance to those regulations (**Ordinance 348, Article XIVd, Section 14.98**). If this exception is granted, the Applicant is allowed to put homes on 5-acre lots effectively reducing the amount of land for the planting of grapes by 50% or more and further harming the wine country feel of the area.

The Applicant's rationale for approving this change of rules is, "In summary, the site location and characteristics, the usage and the zoning of the surrounding properties, as well as the limited access to the site show that the subject property will serve the county in a greater capacity by being amended to the Wine Country - Residential section." The rationale letter (attached) does not contain any, "...substantial evidence of new conditions or circumstances" as required in **Ordinance 348, Article II, Section 2.5, G. FINDINGS**.

The question is, what is the definition of "new" in the requirement, "...new conditions or circumstances..."? The answer is tied to the relevant baseline, can be a relative term and is not documented. It has been the Planning Department's practice to use the last comprehensive General Plan update (2008) as a baseline for any new GPAs.

I assert that the reasonable baseline approach for determining what is "new" for the Wine Country area—and this GPA request—is the adoption date of the TVWCCP (March 2014). The County used the adoption of the Wine Country Policy Area as the relevant baseline when considering the density requirement exemption for Blossom Winery. The Planning Commission and Board of Supervisors has the authority to make such determination if they are so inclined since the definition for the relevant baseline is not set in an Ordinance or other rules.

The Applicant also cited Tract Map TR31444M2 (Blossom Winery) as a justification, yet this project does not involve a change to the Residential District from the Winery District. It simply allowed 24 5-acre lots over 220.9 total acres. Building envelopes (.75 to 1.0 acres) will represent about 15% of the total acreage. In contrast, the Applicant's building envelopes represents 50% of total acreage. The Blossom Winery exception was granted because the development process was started in 2006, **8 years** prior to the finalization of the Wine Country Plan in 2014. The Planning Staff wrote in the Submittal to the Board of Supervisors in July 2014:

*"TR31444 was approved prior to the adoption of the Temecula Valley Wine Country Policy Area (WCPA). The WCPA policy SWAP 1.5 requires a density of ten (10) acres minimum for tentative approval of residential tract and parcel maps approved after March 11, 2014 within the Winery District. TR31444 was approved in 2006; therefore, the density requirement of SWAP 1.5 does not apply to the proposed TR31444M2. In 2006, TR31444 was approved under the Citrus/Vineyard Policy Area (CVPA) and the Citrus/Vineyard (CV) Zone. The lots proposed for TR31444M2 are consistent with the minimum lot size requirements of the former CVPA and CV Zone."*

The factors cited in the Applicant's justification letter are non-relevant rationalizations. Under the Applicant's reasoning, the entire area between Los Nogales Rd. and Rancho California Rd./Monte De Oro could be reclassified to the Residential District and subdivided into 5-acre estate homes. Clearly this is not what the Wine Country Plan intended. The Applicant is implying that most of the "surrounding properties" are used for residential purposes. This is not the case. To the north, the properties are vineyards or winery related. To the east are larger properties with mix of vineyards and residential. To the south—in the **Residential District**—are, as one would expect, many residential properties. And finally to the west are two vacant 5-acre parcels and two parcels with marginal residential use. The surrounding land-use pattern is mainly vineyard/winery and is inconsistent with granting an exception to become part of the Residential District.

#### **DISCUSSION: GPA 1202 and TR37254 would have significant negative effects on the environment**

GPA 1202, TR37254 and EA42839 do not address sensitive Wetlands. Included on the southern edge of the Property is a Federally protected and regulated Blue Line Stream and Wetlands under Section 404 of the Clean Water Act. Neither the Applicant nor the County Planning Staff (including Riverside County Flood Control) noted these facts. The US Army Corps of Engineers and California Fish & Wildlife were not consulted and provided no input on the Plan or planning process. No conditions, remedies and/or mitigations were included to protect the creek, Wetlands and the surrounding ecosystem in perpetuity. No specific erosion control methods, other than new vines, were included to prevent soil and debris in this flood zone from discharging into the creek and impeding the free flow of water running through this Blue Line Stream.

**My parcel** is at the dead end of Los Nogales Rd. with only one access point since it does not intersect Camino Del Vino Rd. The area of the creek directly in front of my parcel is the **convergence of three significant streams**. To the east are two branches of the Long Valley Wash. To the south is another creek, on the western edge of my parcel. In 1995 a major storm event caused the creek in front of my parcel to fill up with eroded soil and debris, and water rose over 10 feet and topped the road. If this were to happen again, an unsafe condition would be created since emergency services would have difficulty reaching my home. A repeat of this scenario is made more likely by the Applicant's Plan to grade the land, install immature/new vines, build houses, roads and driveways. All of these disturbances to the land and structures would cause more erosion and debris accumulation in the creek. The Plan provides no specific erosion control measures and no measures to ensure the Blue Line stream is natural and free flowing.

GPA 1202, TR37254 and EA42839 do not address the increases in visitor traffic that would result by realigning Los Nogales and making an intersection with Camino Del Vino Rd. About 85% of the traffic in our area is related to visitors and the tourist industry. Yet neither the Applicant nor the County Planning Staff (including Transportation) noted these facts. No conditions, remedies and/or mitigations were included to address an expected 10-fold increase in visitor/tourist traffic on Los Nogales Rd. and Camino Del Vino Rd.

The Blue Line Stream and Los Nogales Rd. are really one integrated feature of this Property, and neither the Applicant nor the County Planning Staff have addressed this element in a holistic manner. One example, the Plan calls for crossing Los Nogales Rd. and the Blue Line Stream four (4) times vs. one time in the current Property access configuration. This additional burden on the road and creek are unnecessary and unwise.

#### **DISCUSSION: GPA 1202 would create a problematic precedent**

Approval of this exception (e.g., "redesignation") would have the unintended consequence of allowing other Winery District landowners looking for financial gain to request a similar change of zone to the Residential District. This would allow them to increase density, citing the precedent set by GPA 1202. Although the GPA process has certain time limits that might dissuade future requests, a precedent set by GPA 1202 would likely encourage others to make GPA applications in the next Amendment cycle.

Since the TVWCCP was adopted, no GPAs have been approved changing a parcel's Policy Area to Residential District from Winery District. Two GPAs were approved in 2016 and 2017 yet involved removing parcels from the Wine Country Policy Area vs. changing their Policy Area Districts (see *Appendix* for a analysis and comparison). In July 2012, landowners had the opportunity to apply to have the boundaries of the Wine Country Policy Area modified to exclude their parcels from the Wine Country Policy Area. The then owners of the Property did not apply or receive such a modification.

#### **DISCUSSION: General Issues**

The Applicant has viable, and profitable, options for developing the Property within the Winery District regulations (per **Ordinance 348, Article XIVd, Section 14.92**) including: subdivide the property into 10 gross acre (minimum) parcels; create a Clustered Subdivision with 1 acre parcels; keep it as one parcel and add: up to two family dwellings, vineyards (or other AG usage), non-commercial keeping of animals, a Cottage Inn, or a Class I, II, IV or V winery. They do not need an exception or GPA to develop the property and to develop it in a manner that is beneficial to both themselves and commerce in Temecula and Riverside County. In fact, the Applicant initially submitted a Tentative Tract Map 36975 (original submittal now withdrawn) based on rules for the Winery District. That Plan included planting of grapes over 75% of the Property and clustering the homes. Once the initiation process was approved, the Applicant withdrew TR36975 and submitted a revised/current Tract Map TR37254. This revised Plan reduced the vineyards by 50%, reduced the lot sizes to 5 acres and increased the housing density by 60%.

The eastern third of the Property is the site of the December 1846 Temecula Massacre. The Plan does not set aside these 16 acres for open space out of respect to the fallen. The Applicant had designated this area as open space on TR36975 (original, now withdrawn). EA42389 does not articulate a method to address this historic site.

Related to GPA 1202, the Applicant had been grading the Property consistent with the **unapproved** rough grading permit and without erosion control measures or agreements with California Fish & Wildlife and the Army Corps of Engineers. This was done under the guise of a falsely obtained lot clearing exemption (BFE170061). I reported this activity and a stop work order is now in effect. These actions (and an open lawsuit against the Applicant on similar matters) reflect on the character and integrity of the Applicant and perhaps foreshadow the Applicant's behavior in dealing with the County and execution of this and several other projects he is pursuing.

## **CONCLUSION**

In conclusion, the County has no compelling interest in approving GPA 1202. It is **inconsistent** with the goals and guidelines of the TVWCCP, would have significant **negative effects** on the environment, produces potentially unsafe road conditions for **my parcel** and would create a **problematic precedent**.

GPA 1202, EA42839 and the Negative Declaration (and all related cases and documents) should be **rejected** in whole, not modified, since this ill-conceived Plan is completely unnecessary and perilous for the environment, the County and our Community.

The County has a duty to preserve Wine Country, protect the environment, and ensure emergency service access to **my parcel**.

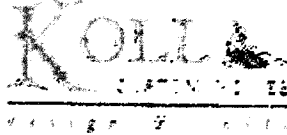
If GPA 1202 is approved, the land conditions cannot be reverted to its original state, nor can monetary damages compensate for permanent loss of intended land use per the Wine Country Plan.

Residents of our region welcome and desire growth. Yet, every request for exception ought to be given thoughtful consideration out of respect for the 10 years of time and energy poured into the successful adoption of the Temecula Valley Wine Country Community Plan.

## **REFERENCED DOCUMENTS**

Applicant's Rationale Letter 2016-06-02 (attached to the Application)  
Heavenstone SEC 10-K Filing 2016-06-30 (separate document available upon request)  
Tentative Tract Map TR37254 (associated with GPA 1202)  
Tentative Tract Map TR36975 (original submittal now withdrawn)  
2016-08-25 GPAC Report Package for GPA1202  
2016-11-02 Planning Commission Report Package for GPA1202  
2017-01-31 Board of Supervisors Submittal for GPA1202  
2014-07-17 Planning Dept. Recommended Motions TR31444  
Ordinance No. 348 Article II Amendments to General Plan  
Ordinance No. 348 Article XIVd 14.92 Wine Country-Winery Zone and 14.98 Wine Country-Residential Zone  
TVWCCP General Plan Policies and Winery District Existing Zoning (Figure 4A)

## Applicant's Rationale Letter 2016-06-02



June 2, 2016

Riverside County Planning Department  
4080 Lemon Street  
12th Floor  
Riverside, CA 92502

Re: Foundation Component General Plan Amendment Application for APN 927-480-002  
*Justification for Foundation Component Amendment*

In order to justify the amendment of this property we need to review the surrounding properties, site location and available access.

The southern property line of the subject property is adjacent to the Wine Country Residential section of the Temecula Valley Wine Country Policy Area. In fact Los Nogales Road which runs east / west forms the border line of the WC-R and the WC-W section. The entirety of the properties at any near proximity to the south of the subject property are between 2.5 acres to 5 acres and are zoned for 5 acre parcels.

To the west of the subject property we are bordered by four parcels (APNs 927-480-003, 004, 005 & 006) whom all take access from Los Nogales Road and are sized at 3 acres each. Further westward, the property is part of South Coast Winery Resort and Spa and access to this parcel is not obtained through Los Nogales Road, but instead through Valle Toscana Court which is accessed off of Anza Road.

To the north of the subject property we are bordered by the recently approved TR31444M2 which creates 24 5-acre residential lots in addition to 4 winery lots and 3 production lots. The residential lots are directly adjacent to the subject property with the winery lots much further north directly adjacent to Rancho California Road. The entirety of this tract map is accessed from Rancho California Road.

The available access to the subject property does not support the usage of a winery. To the south the property is accessed off of Los Nogales Road, which is intended to create a linkage between Anza Road to the west and Camino Del Vino to the east. However Los Nogales Road has not been improved between Camino Del Vino and a point approximately

PO Box 1662 Temecula CA 92593 | www.KollCustomHorses.com | 951 275 1065 | 951 225 1024



1000' west of Camino Del Vino. The proposed road is unpassable in any manner due to the existence of Long Valley Wash which originates east of the subject property and runs through and adjacent to Los Nogales Road. There is minimal likelihood of Los Nogales Road ever being improved due to the impacts it would create on the riparian area and the associated floodplain. Our concurrent tract map proposal (TR36975) realigns the unimproved portion of Los Nogales Road to the north essentially removing it from the flood plain area.

To the west Los Nogales Road only provides access to the residential section of the Temecula Valley Wine Country Policy Area. Even though this road is currently the dividing line between the WC-R and WC-W, it provides access to properties to the south which are all zoned as WC-R and additionally provides access to the four parcels north of Los Nogales Road previously mentioned above (APNs 927-490-003, 004, 005 & 006) which are 5 acre residential properties.

To the east, the property is bordered and can be accessed by Camino Del Vino, which connects to De Portola Road to the south and Monte De Oro Road to the north. Camino Del Vino is a General Circulation Element and was designated as a Secondary Highway, however Camino Del Vino has been recently reduced to a Collector Road reducing the width of the road per County Standard 103, Ordinance #51. Additionally Camino Del Vino would require major improvements as it is currently unimproved northward and any improvements southward would require a bridge structure to cross the Long Valley Wash before it could connect to the improved portion of Camino Del Vino.

In summary, the site characteristics, the usage and the zoning of the surrounding properties, as well as the limited access to the site show that the subject property will serve the county in a greater capacity by being amended to the Wine Country - Residential section.

Sincerely,

Gregory S. Koll  
President, Koll Custom Homes

PO Box 1638 Temecula, CA 92593 | www.KollCustomHomes.com | 951.225.1065 | 951.225.1064

# Images of Subject Property APN:927450002

**Current/Before**



**Proposed**





## Appendix

### Comparison of Wine Country GPAs Since 2014

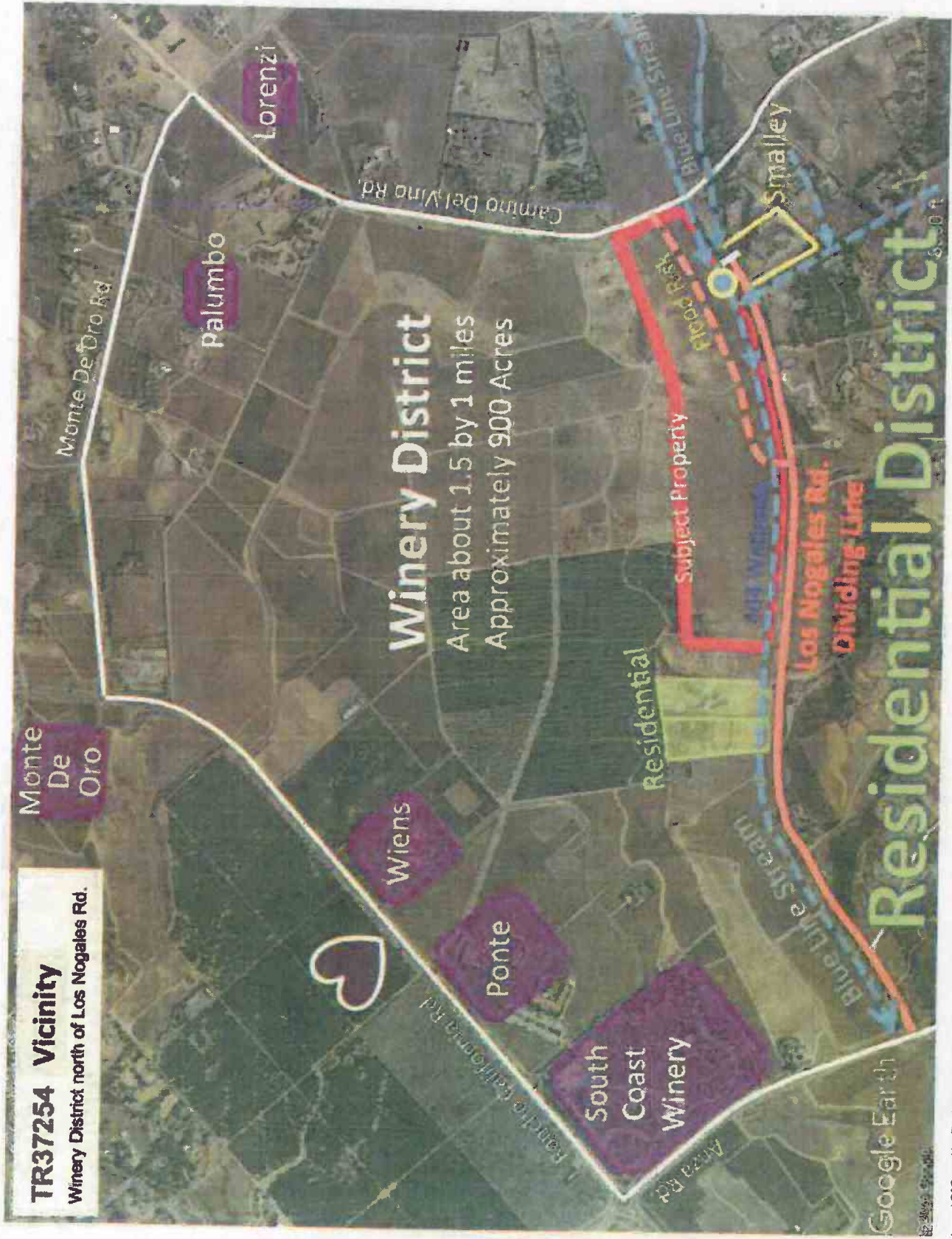
Since the Temecula Valley Wine Country Community Plan (TVWCCP) was adopted in March 2014, no GPAs have been approved changing a parcel's zoning to Wine Country-Residential District from Wine Country-Winery District.

Two GPAs have been approved since 2014 yet are quite different from GPA 1202 in terms of what is proposed and the reasoning behind them. Here is a comparison:

GPA	Summary	Reasoning	Impacts
<p><b>GPA 1157</b> Approved March 2016</p>	<p>Removed five parcels (Redhawk) from the Temecula Valley Wine Country Policy Area.</p> <p>Process began as GPA 960 in Feb. 2008.</p>	<p>Revision in accordance with the settlement and release agreement based on a lawsuit involving violations of the California Environmental Quality Act originally filed April 2014.</p> <p style="text-align: center;"><b>Result</b></p> <p>Does not conflict with the Riverside County Vision Statement or create an internal inconsistency.</p> <p><i>Location:</i> these properties are on the most southern fringe of Wine Country about half mile south of Highway 79.</p>	<p>No changes in density; no negative impact on the TVWCCP goals or vision.</p> <p>Unknown economic impact to Owners.</p> <p>No increase in County services.</p>
<p><b>GPA 1176</b> Approved June 2017</p>	<p>Removed one parcel (St. Jeanne De Lestonnac, a Private Catholic school) from the Temecula Valley Wine Country Policy Area.</p>	<p>Subject property existed for 15 years prior to the Plan's adoption. Owner was not aware of the TVWCCP adoption in 2014.</p> <p style="text-align: center;"><b>Result</b></p> <p>Does not conflict with the Riverside County Vision Statement or create an internal inconsistency.</p>	<p>No changes in density; no negative impact on the TVWCCP goals or vision.</p> <p>No economic impact to Owner.</p> <p>No increase in County services.</p>
<p><b>GPA 1202</b> <i>Applied</i> June 2016</p>	<p>Seeks an exception to redesignate one parcel (current zone C/V-10) to Wine Country-Residential District from the Wine Country-Winery District.</p>	<p style="text-align: center;"><b>Applicant's Claim</b></p> <p>Site location and characteristics, the usage and the zoning of the surrounding properties, as well as the limited access to the site show that the subject property should be redesignated.</p> <p style="text-align: center;"><b>Opposition's Claim</b></p> <p>County has no compelling interest in approving GPA 1202. It is <b>inconsistent</b> with the goals and guidelines of the TVWCCP, would have significant <b>negative effects</b> on the environment and would create a <b>problematic precedent</b></p>	<p>Doubles the density of the parcel's subdivision plan; inconsistent with TVWCCP goals and vision.</p> <p>Doubles the profits for the Owner if approved.</p> <p>An increase in County services.</p> <p>Would create internal inconsistency among the elements of the General Plan that is prohibited under Ordinance 348.</p> <p>Would do irreparable damage to the area.</p>

**TR37254 Vicinity**

Winery District north of Los Nogales Rd.





## Bradford, Deborah

---

**From:** Bradford, Deborah  
**Sent:** Thursday, February 15, 2018 3:58 PM  
**To:** 'Larry Smalley'  
**Cc:** Brady, Russell  
**Subject:** RE: Comments Regarding EA 42839 and GPA 1202

Good Afternoon Larry,

Your comment letter summarized your opposition to the proposed project as three fold, I will respond to each of those as well as some of the additional issues you discussed.

1. Inconsistency with the General Plan and the Temecula Valley Wine Country Community Plan (TVWCCP) - Preservation of the Wine Country and its unique characteristics is the primary component of being able to recommend approval of the General Plan Amendment. To be able to approve the General Plan Amendment, certain justification is necessary for how this amendment complies with the findings of a foundation component amendment which are providing substantial evidence that new conditions or circumstances have occurred, the amendment would not result in a conflict with the Riverside County Vision and would not create an internal inconsistency with the General Plan.

The use of a certain baseline is not specified in Ordinance No. 348 Section 2.5.G for Regular Foundation General Plan Amendments. Therefore the findings do not require a circumstance to have occurred following a certain timeframe. Instead it is required "that new conditions or circumstances disclosed during the review process justify modifying the General Plan,".

Although the applicant may have initially proposed other findings as the "new conditions or circumstances", staff has proposed that the new circumstance would be the change in the road classification of Camino De! Vino from a General Plan Circulation Element Secondary Highway to a Collector Road. This change in classification occurred in 2014 when the TVWCCP was adopted. This change, from a Secondary Highway to a Collector Road would reduce the capacity of more intensive traffic that would occur due to commercial wineries or other more intense uses that are encouraged in the Winery District.

The Riverside County Vision which states that "Riverside County is a family of special communities in a remarkable environmental setting". The Temecula Valley Wine Country Policy Area was developed to ensure the protection of this special community by ensuring long term viability of the wine industry while protecting the community's equestrian rural lifestyle. Three districts were established for this policy area, each having specific policies that relate to each district. The winery district encourage new wineries and the expansion of existing wineries, the equestrian district encourages the protection and promotion of equestrian uses, and the residential district encourages estate lot residential development to complement and balance the tourist related activities. These policies protect against the location of activities that are incompatible with existing residential and equestrian uses, which could lead to land us conflicts in the future. The boundary change from the Winery District, whose primary purpose is for the promotion and the establishment of commercial activities to the Residential District, whose primary purpose is to encourage permanent estate lots and to balance tourist related activities, is more compatible with the established residential neighborhood to the south and will be compatible with Riverside County's Vision as well as the vision of the Wine Country Community Plan.

Lastly, staff determined that that this amendment is internally consistent with applicable General Plan Elements as detailed in the staff report because, the Amendment is focused on shifting the policy area boundaries which does not directly relate to other elements and policies of the General Plan.

Staff has determined that the General Plan Amendment meets the required findings as detailed in the staff report and will continue to ensure the protection and preservation of the Wine Country.

The project as proposed is consistent with and does not undermine the intent, goals, and policies of the TVWCCP. Although the project represents a change in the district boundaries of the TVWCCP, it is a well reasoned change in the district boundaries. As noted above, the change to a Collector Road would reduce the capacity to handle more intensive traffic that would occur from potential commercial wineries or other more intense uses that are encouraged in the Winery District. While the property could stay in the Winery District and a Tentative Tract Map could be proposed (with less units) in the Winery District, it would still allow the potential to develop larger scale wineries that would not likely be adequately served by a Collector Road. Additionally, by allowing primarily residential uses with the proposed Residential District rather than winery or other more intense uses that may be allowed under the Winery District, this project would better preserve the residential nature of the existing surrounding area.

Even though Los Nogales Road is currently the boundary between the Winery and Residential Districts of the TVWCCP, as detailed above, there is reasoning why the properties served by Los Nogales Road makes more sense to be in the Residential District rather than the Winery District. A road does not need to be a boundary between different zoning classifications. The change to the subject property to the Residential District would still connect it to the larger Residential District and does not create an island of Residential District that is not consistent with the surrounding area.

To note regarding the ability to develop and operate helipads within the project area, helipads are not a permitted use in the proposed Wine Country – Residential District.

2. Protect the Environment - To ensure protection of the environment, discretionary projects are subject to the California Environmental Quality Act (CEQA) which through the preparation of an Initial Study/Environmental Assessment (EA) which determines whether the project may have a significant effect on the environment. If the initial study shows no substantial evidence that the project may have a significant impact through project design and implementation of standard regulations and conditions of approval, a Negative Declaration is prepared. If the initial study shows that the project may have a significant impact, even through project design features and implementation of standard regulations and conditions of approval, then further unique mitigation is included and then determined if impacts are reduced to a less than significant impact, and a Mitigated Negative Declaration is prepared. If the Initial Study shows that the project may have a significant effect, even through project design features, implementation of standard regulations and conditions of approval, and all feasible mitigation measures, then an Environmental Impact Report (EIR) is prepared.

Staff prepared an Initial Study for this project and found that impacts may occur to the environment however, with the incorporation of conditions of approval that implement existing regulations, these impacts would be considered less than significant.

The southern portion of the project site is located within a flood plain and blue line stream. The Tentative Tract Map has delineated the Flood Plain area as well as noted this as Riparian Area - No Disturbance. The Initial Study prepared for the project was based on the area being avoided to not impact the area through the construction of bridges that would span the delineated drainage area to not impact it. Regardless of the Initial Study addressing the potential for impacts to the drainage area, existing regulations from California Fish & Wildlife and Army Corps of Engineers are in place for the project to comply with if such temporary or permanent direct or indirect impacts occur to the drainage area. Conditions of approval were also applied to ensure that the blue line stream and riparian area would be 100% avoided or else such permitting through California Fish & Wildlife and Army Corps of Engineers will be required. As these are existing regulations, these are not considered mitigation pursuant to CEQA.

Based on grading that has recently occurred on the site through an agricultural grading permit, such direct or indirect impacts to the drainage area may have occurred. These concerns are why a stop work order was issued by the County to halt all grading activities on the site. Based on staff inspection, it appeared that the grading encompassed more than

what the agricultural permit allowed and a Stop Work Notice was issued. As a result, additional conditions of approval were added to ensure this area be protected and possibly be restored back to its original state. These conditions include that prior to the issuance of a grading permit a Determination of Biologically Equivalent or Superior Preservation (DBESP) be submitted to, reviewed and approved by EPD and the Wildlife Agencies. All riverine, riparian and jurisdictional features shall be mapped. Once the DBESP is forwarded to the Wildlife Agencies a 60-day review period will start which may result in a significant delay in implementing the project. EPD has also conditioned that a CDFW 1600 and USACE 404 permit be required prior to issuance of grading permits. The Department of Flood Control also conditioned the project that the floodplain for Long Valley Wash must be kept free of all fill, buildings, and obstructions in order to maintain the natural drainage patterns of the area and to prevent flood damage of new buildings. Although these impacts may have already occurred, this can still be addressed through proper permitting if deemed necessary prior to grading permit issuance for development of the Tentative Tract Map.

The proposed plan does call out for the construction of 4 bridges that will cross the riparian area. An additional condition of approval prior to the issuance of building permits has been added by EPD that requires the building plans for the construction of the four bridges over Long Valley Wash to be reviewed and approved by EPD. Additionally construction of the bridges must follow the "Guidelines for Construction of Wildlife Crossings".

In regards to the protection of cultural and tribal resources, specifically the December 1846 Temecula Massacre, staff had not received any mention of this event and its occurrence on the Project site from the notified tribes or any other source. Additionally, the County's Chief Engineering Geologist and the County's Archeologist have been in direct contact with The Temecula Band of Luiseno Mission Indians (Pechanga) who stated that the 1846 Temecula Massacre did not occur on the Project site based on their professional research and tribal information. Additionally, representatives from Pechanga will be contacting the organization that has depicted this massacre site erroneously on their Website to have it removed.

Since the project involves a General Plan Amendment, SB 18 Tribal Consultation was required. The Native American Heritage Commission (NAHC) provides a list to the County of the tribes whose historical extent includes the project site. Noticed tribes are given 90 days in which to request consultation regarding the proposed project. No consultation requests were received at the end of the 90 day noticing period. Additionally, AB 52 notices regarding this project were mailed to all requesting tribes. The Pala Band of Mission Indians requested consultation. Pala concluded their consultation and stated they had no concerns. Six other tribes that were noticed did not require consultation. However, during earth moving activities the project has been condition that a Native American Monitor be retained on site to ensure protection if any tribal resources are encountered.

3. Ensure ingress/egress to my parcel in the event of a major storm event - As you have stated, even without the proposed project your property has been impacted by major storms. With the incorporation of conditions of approval which require that the land divider protect downstream properties from damages caused by the alteration of drainage patterns, the construction of adequate drainage facilities, including enlarging existing facilities and /or by securing a drainage easement may be required. Drainage facilities are to be designed in accordance with the Riverside County Flood Control and Water District's conditions of approval and shall be designed to accommodate 100 year storm flows. Although these are not all the conditions of approval that relate to the controlling of drainage and storm flows; however, the project may possibly result in a reduction in flooding due to the incorporation of these conditions of approval. Also, to ensure safe ingress and egress to your parcel the realignment of Los Nogales Road which will be paved from the "Knuckle" to Camino Del Vino will provide you with safe ingress and egress during regular usage but also during times of emergencies.

Regarding the comment about the increase in traffic from the realignment and connection of Los Nogales to Camino Del Vino, this connection is anticipated in the General Plan and was analyzed with the General Plan and TVWCCP. The project is implementing what has already been analyzed and planned for in the General Plan and TVWCCP. Additionally, Los Nogales Road will remain a dirt road from Anza Road to the project's frontage, where the project is required to pave Los Nogales Road along its frontage to Camino Del Vino. While the dirt road would continue to adequately serve local

traffic existing in the area and from the proposed project, since it is unimproved it would not be a reasonable alternative to most traffic to use to avoid roads with heavier traffic.

4. A problematic precedent – Changes to Wine Country District boundaries are subject to the requirements of a Foundation General Plan Amendment. This includes such amendments only being accepted for application every 8 years, with the next window opening in 2024. Other property owners that may want a change similar to the one proposed would be subjected to the same process as this applicant. Additionally, although they may apply for a Foundation General Plan Amendment to change the district boundaries, specific findings will still have to be made as are being made for this proposed amendment, in particular what new circumstance or condition is identified to justify an amendment.

5. Doubling Housing Density - Presently the project site is located in the Winery District and Citrus/Vineyard Zoning which allows one dwelling unit per 10 acres. With the General Plan Amendment and Change of Zone the applicant would be allowed to have one dwelling unit per 5 acres. The proposal is for 8 dwelling units. If the property remained in the Winery District the applicant would be allowed up to 5 dwelling units. Regarding large 10,000 square foot estate houses you are saying the applicant is proposing, the County does not limit square footage of residences. Limitations occur through setbacks, height, parking requirements and other constraints such as septic and topography of the site. The construction of a helipad would not be permitted as previously noted. The applicant has not submitted any plans to the County regarding ultimate development of the site, but they would be subject to the same development standards as any other property under the same zoning.

While less units may be viable to develop on this project site, that is not a consideration in whether the designation should stay as Winery District. The necessary findings have been prepared to support the General Plan Amendment for consideration.

Best Regards,  
Deborah

Deborah Bradford, Planner  
4080 Lemon Street, 12th Floor  
Riverside, CA 92501  
(951)955-6646  
dbradfor@rivco.org

-----Original Message-----

From: Larry Smalley [mailto:lsmalley4@gmail.com]  
Sent: Tuesday, February 13, 2018 9:06 AM  
To: Bradford, Deborah <DBradfor@RIVCO.ORG>  
Cc: Brady, Russell <rbrady@RIVCO.ORG>; Ross, Larry <LROSS@RIVCO.ORG>; Balderrama, Olivia <OBalderrama@RIVCO.ORG>  
Subject: Comments Regarding EA 42839 and GPA 1202  
Importance: High

Hello Deborah,

Please confirm receipt of this email.

My name is Larry Smalley and I live at 35725 Los Nogales Rd. (APN 927460001). I live directly across the street from the Subject Property.

I oppose GPA 1202, EA42839, TR37254 and all related documents. Please refer to my Letter of Opposition attached to this email. The last page of my Letter is a map/graphic that highlights the issues and concerns shown below.

I ask that the Planning Commission and the Board of Supervisors reject fully (not modify) GPA 1202, TR37254, EA42839, the Negative Declaration, and all related cases and documents since this ill-conceived Plan is completely unnecessary and perilous for the environment, the County and our Community. The County has no compelling interest in granting this risky exception.

In summary (please see full Letter), I am opposed to this Plan for the following reasons:

- GPA 1202 is inconsistent with the goals and guidelines of the Temecula Valley Wine Country Community Plan and would do irreparable damage to the area.
- GPA 1202 and TR37254 would have significant negative effects on the environment since sensitive Wetlands and visitor traffic are not addressed.
- GPA 1202 would create a problematic precedent encouraging other owners to convert Wine Country properties to estate homes.

Personal Impact:

- GPA 1202 and TR37254 would create potentially unsafe road conditions for my parcel in the event of a major storm event that could limit access of emergency services.

Again, I ask that the Planning Commission and the Board of Supervisors reject fully GPA 1202 and all related cases and documents.

The Applicant has other viable development options. The Owner must be required to follow County, State and Federal laws and rules for developing the Subject Property. To date, he has graded and harmed the environment without permits and agreements.

Respectfully,

Larry Smalley  
949-677-7154

**Bradford, Deborah**

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**From:** Bradford, Deborah  
**Sent:** Thursday, February 15, 2018 5:32 PM  
**To:** 'Mimi Chang'  
**Cc:** Brady, Russell  
**Subject:** RE: Comments RE: GPA 1202, EA42839, TR37254

Good Evening,

Please see my comments below in blue. I hope you will attending the public hearing where you are encouraged to speak in favor of or in opposition of the proposed project

Best regards,  
Deborah

Deborah Bradford, Planner  
4080 Lemon Street, 12<sup>th</sup> Floor  
Riverside, CA 92501  
(951)955-6646  
dbradfor@rivco.org

**From:** Mimi Chang [mailto:mimi.chang@verizon.net]  
**Sent:** Tuesday, February 13, 2018 11:27 AM  
**To:** Bradford, Deborah <DBradfor@RIVCO.ORG>  
**Cc:** Brady, Russell <rbrady@RIVCO.ORG>  
**Subject:** Comments RE: GPA 1202, EA42839, TR37254

PLEASE CONFIRM RECEIPT OF THIS CORRESPONDENCE

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Deborah,

It was a pleasure meeting you and Heather last week during your site visit to APN: 927-450-002. As you know, my property overlooks the parcel in question so I have had a bird's eye view of the work being conducted. Thank you for taking the time and interest to learn about Temecula Wine Country and how this piece of proposed development fits into the schema and culture of Southern California's wine country.

I write to oppose GPA 1202, EA42839, TR37254 and all related documents. I respectfully request the Planning Commission and the Board of Supervisors reject in totality GPA 1202, TR37254, EA42839, the Negative Declaration, and all related cases and documents. Upon reading and review, these documents prove to be ill conceived and reckless. The development proposed creates four dangerous, irreparable conditions:

1. GPA 1202 and TR37254 are wholly inconsistent with the goals and guidelines of the Temecula Valley Wine Country Community Plan adopted in 2014. Adoption creates irreparable, permanent damage to the area. Preservation of the Wine Country and its unique characteristics is the primary component of being able to recommend approval of the General Plan Amendment. To be able to approve the General Plan Amendment, certain justification is necessary for how this amendment complies with the findings of a foundation component amendment which are providing substantial evidence that new conditions or

circumstances have occurred, the amendment would not result in a conflict with the Riverside County Vision and would not create an internal inconsistency with the General Plan.

The use of a certain baseline is not specified in Ordinance No. 348 Section 2.5.G for Regular Foundation General Plan Amendments. Therefore the findings do not require a circumstance to have occurred following a certain timeframe. Instead it is required "that new conditions or circumstances disclosed during the review process justify modifying the General Plan."

Although the applicant may have initially proposed other findings as the "new conditions or circumstances", staff has proposed that the new circumstance would be the change in the road classification of Camino Del Vino from a General Plan Circulation Element Secondary Highway to a Collector Road. This change in classification occurred in 2014 when the TVWCCP was adopted. This change, from a Secondary Highway to a Collector Road would reduce the capacity of more intensive traffic that would occur due to commercial wineries or other more intense uses that are encouraged in the Winery District.

The Riverside County Vision which states that "Riverside County is a family of special communities in a remarkable environmental setting". The Temecula Valley Wine Country Policy Area was developed to ensure the protection of this special community by ensuring long term viability of the wine industry while protecting the community's equestrian rural lifestyle. Three districts were established for this policy area, each having specific policies that relate to each district. The winery district encourage new wineries and the expansion of existing wineries, the equestrian district encourages the protection and promotion of equestrian uses, and the residential district encourages estate lot residential development to complement and balance the tourist related activities. These policies protect against the location of activities that are incompatible with existing residential and equestrian uses, which could lead to land use conflicts in the future. The boundary change from the Winery District, whose primary purpose is for the promotion and the establishment of commercial activities to the Residential District, whose primary purpose is to encourage permanent estate lots and to balance tourist related activities, is more compatible with the established residential neighborhood to the south and will be compatible with Riverside County's Vision as well as the vision of the Wine Country Community Plan.

Lastly, staff determined that that this amendment is internally consistent with applicable General Plan Elements as detailed in the staff report because, the Amendment is focused on shifting the policy area boundaries which does not directly relate to other elements and policies of the General Plan.

Staff has determined that the General Plan Amendment meets the required findings as detailed in the staff report and will continue to ensure the protection and preservation of the Wine Country.

The project as proposed is consistent with and does not undermine the intent, goals, and policies of the TVWCCP. Although the project represents a change in the district boundaries of the TVWCCP, it is a well reasoned change in the district boundaries. As noted above, the change to a Collector Road would reduce the capacity to handle more intensive traffic that would occur from potential commercial wineries or other more intense uses that are encouraged in the Winery District. While the property could stay in the Winery District and a Tentative Tract Map could be proposed (with less units) in the Winery District, it would still allow the potential to develop larger scale wineries that would not likely be adequately be served by a Collector Road. Additionally, by allowing primarily residential uses with the proposed Residential District rather than winery or other more intense uses that may be allowed under the Winery District, this project would better preserve the residential nature of the existing surrounding area.

**2. GPA 1202 and TR37254 creates significant harmful effects on ecology and environment. The plans fail to address Wetlands convergence of three (3) streams.**

To ensure protection of the environment, discretionary projects are subject to the California Environmental Quality Act (CEQA) which through the preparation of an Initial Study/Environmental Assessment (EA) which determines whether the project may have a significant effect on the environment. If the initial study shows no substantial evidence that the project may have a significant impact through project design and implementation of standard regulations and conditions of approval, a Negative Declaration is prepared. If the initial study shows that the project may have a significant impact, even through project design features and implementation of standard regulations and conditions of approval, then further unique mitigation is included and then determined if impacts are reduced to a less than significant impact, and a Mitigated Negative Declaration is prepared. If the Initial Study shows that the project may have a significant effect, even through project design features, implementation of standard regulations and conditions of approval, and all feasible mitigation measures, then an Environmental Impact Report (EIR) is prepared.

Staff prepared an Initial Study for this project and found that impacts may occur to the environment however, with the incorporation of conditions of approval that implement existing regulations, these impacts would be considered less than significant.

The southern portion of the project site is located within a **flood** plain and blue line stream. The Tentative Tract Map has delineated the Flood Plain area as well as noted this as Riparian Area - No Disturbance. The Initial Study prepared for the project was based on the area being avoided to not impact the area through the construction of bridges that would span the delineated drainage area to not impact it. Regardless of the Initial Study addressing the potential for impacts to the drainage area, existing regulations from California Fish & Wildlife and Army Corps of Engineers are in place for the project to comply with if such temporary or permanent direct or indirect impacts occur to the drainage area. Conditions of approval were also applied to ensure that the blue line stream and riparian area would be 100% avoided or else such permitting through California Fish & Wildlife and Army Corps of Engineers will be **required**. As these are existing regulations, these are not considered mitigation pursuant to CEQA.

Based on grading that has recently occurred on the site through an agricultural grading permit, such direct or indirect impacts to the drainage area may have occurred. These concerns are why a stop work order was issued by the County to halt all grading activities on the site. Based on staff inspection, it appeared that the grading encompassed more than what the agricultural permit allowed and a Stop Work Notice was issued. As a result, additional conditions of approval were added to ensure this area be protected and possibly be restored back to its original state. These conditions include that prior to the issuance of a grading permit a Determination of Biologically Equivalent or Superior Preservation (DBESP) be submitted to, reviewed and approved by EPD and the Wildlife Agencies. All riverine, riparian and jurisdictional features shall be mapped. Once the DBESP is forwarded to the Wildlife Agencies a 60-day review period will start which may result in a significant delay in implementing the project. EPD has also conditioned that a CDFW 1600 and USACE 404 permit be required prior to issuance of grading permits. The Department of Flood Control also conditioned the project that the floodplain for Long Valley Wash must be kept free of all fill, buildings, and obstructions in order to maintain the natural drainage patterns of the area and to prevent flood damage of new buildings. Although these impacts may have already occurred, this can still be addressed through proper permitting if deemed necessary prior to grading permit issuance for development of the Tentative Tract Map.

The proposed plan does call out for the construction of 4 bridges that will cross the riparian area. An additional condition of approval prior to the issuance of building permits has been added by EPD that requires the building plans for the construction of the four bridges over Long Valley Wash to be reviewed and approved by EPD. Additionally construction of the bridges must follow the "Guidelines for Construction of Wildlife Crossings".



3. GPA 1202 and TR37254 creates significant harmful effects on visitor traffic, and creates unsafe road conditions for surrounding parcels. In the event of a major storm event that could limit access of emergency services; and, trap homeowners in their homes without an unflooded road to escape.

With the incorporation of conditions of approval which require that the land divider to protect downstream properties from damages caused by the alteration of drainage patterns, the construction of adequate drainage facilities, including enlarging existing facilities and /or by securing a drainage easement may be required. Drainage facilities are to be designed in accordance with the Riverside County Flood Control and Water District's conditions of approval and shall be designed to accommodate 100 year storm flows. Although these are not all the conditions of approval that relate to the controlling of drainage and storm flows; however, the project may possibly result in a reduction in flooding due to the incorporation of these conditions of approval. Also, to ensure safe ingress and egress to your parcel the realignment of Los Nogales Road which will be paved from the "Knuckle" to Camino Del Vino will provide you with safe ingress and egress during regular usage but also during times of emergencies.

In addition the County's Senior Civil Engineer stated that the increase in tourist/visitor traffic would be minimal on Los Nogales Road. The road is currently not paved which discourages the use of the road by tourists/visitors. Additionally, the development proposal considers the subdivision of property into 8-lots. The threshold for a development to prepare a traffic study is 100 peak hourly trips. Using the Trip General Manual publication from the Institute of Transportation Engineers, the project is estimated to generate 8 peak hourly trips in the afternoon peak hour, therefore a traffic study was not required.

4. GPA 1202 would create a problematic precedent encouraging other owners to convert Wine Country properties to estate homes.

Changes to Wine Country District boundaries are subject to the requirements of a Foundation General Plan Amendment. This includes such amendments only being accepted for application every 8 years, with the next window opening in 2024. Other property owners that may want a change similar to the one proposed would be subjected to the same process as this applicant. Additionally, although they may apply for a Foundation General Plan Amendment to change the district boundaries, specific findings will still have to be made as are being made for this proposed amendment, in particular what new circumstance or condition is identified to justify an amendment. Regarding large estate homes, the County does not limit square footage of residences. Limitations occur through setbacks, height, parking requirements and other constraints such as septic and topography of the site. The construction of a helipad would not be permitted. The applicant has not submitted any plans to the County regarding ultimate development of the site, but they would be subject to the same development standards as any other property under the same zoning.

Surely you are receiving comments from surrounding homeowners like myself voicing the same, and perhaps some additional reasons for rejecting the above-referenced proposals. Rather than provide the same reasons and details again, I will attempt to shed slightly different perspective. On its face the documents are completely offensive to the general public. They demonstrate a lack of foresight and complete disregard for federally protected waters, natural habitats, tourist traffic, public safety, the 2014 Temecula Wine Country Plan, and the historically important Temecula Massacre site. Watching the developer exceed the parameters of his AG-exempt permit BFE170061 and continue to work in the face of CV1703079 has made me ponder the following:

I believe we live in a climate where civil servants are overworked and underpaid. Coupled with a current political era where the public at large is generally suspicious of government activity, I question the soundness of adopting the above-referenced documents without even the appearance of thoughtful consideration by the Planning Commission and Board of Supervisors. A possible, and realistic, result of adopting the documents is litigation. Of course, the County would likely pursue the developer for legal costs. Unless the County is absolutely certain the developer is above reproach and has deep pockets to pay his own, plus the County's, legal fees, I question if it is wise to blindly approve the submitted documents. Moreover, there is always the ever important question of how County officials and local politicians are viewed in the public eye. Reputation cannot be monetarily repaired. Trust is very difficult to earn, yet easily lost.

My perspective derives from a place of balance and legacy. I am not against development. I embrace development that adequately accounts for the interests of all stakeholders. I encourage our Planning Commission and Board of Supervisors to deeply consider whether these proposals merit adoption without addressing perilous environmental issues, historically significant land, public safety concerns, and the vision for our community per the 2014 Temecula Wine Country Plan. There is no compelling reason to grant this risky exception. Yet granting it is fraught with a minefield of deficits that could lead to tarnished reputations and litigation.

Respectfully submitted,

Mimi Chang

mobile: 951-704-5667

**Bradford, Deborah**

---

**From:** Bradford, Deborah  
**Sent:** Thursday, February 15, 2018 6:11 PM  
**To:** 'Jeannie Lynch'  
**Cc:** Brady, Russell  
**Subject:** RE: Comments Regarding EA 42839 and GPA 1202 | OPPOSITION

Good Evening,

Please see my responses below in blue. I hope I have addressed your concerns please let me know if I over looked something and I will get back to you.

Thanks,  
Deborah

Deborah Bradford, Planner  
4080 Lemon Street, 12<sup>th</sup> Floor  
Riverside, CA 92501  
(951)955-6646  
dbradfor@rivco.org

**From:** Jeannie Lynch [mailto:lynch.jeannie@gmail.com]  
**Sent:** Thursday, February 15, 2018 7:37 AM  
**To:** Bradford, Deborah <DBradfor@RIVCO.ORG>  
**Cc:** Brady, Russell <rbrady@RIVCO.ORG>  
**Subject:** Comments Regarding EA 42839 and GPA 1202 | OPPOSITION

My name is Jeannie Lynch. My husband Frederick Lynch and I live at 35510 Schuber Lane, Temecula, California, and our property is affected by the proposed **General Plan Amendment No. 1202/Change of Zone No. 7885/Tentative Tract Map No. 37254-intent to Adopt a Negative Declaration-EA42839** as it relates to property north of Nogales Road, specifically APN 927-450-002 ("Subject Property").

The purpose of this letter is to set forth our **OPPOSITION** to the proposed amendment as contrary to the intent of **Ordinance 348, Article XIVd, Section 14.90**, the relevant portion of which states, in part (emphasis supplied):

**"The Wine Country Zones are established to implement the Temecula Valley Wine Country Policy Area of the Riverside County General Plan . . . The purpose of these zones is to encourage agricultural cultivation, vineyards, wineries, equestrian uses, preserve the wine-making atmosphere, estate living, equestrian life-style, and protect this area and its residents from incompatible uses which could result in reduced agricultural productivity and increased urbanization within the policy area..."**

**OBJECTION TO REZONING:**

- **The Proposed Amendment is contrary to the Temecula Valley Wine Country Community Plan ("TVWCCP").**
  - The TVWCCP was adopted after ten years of careful consideration, research, studies and community outreach. Specific Zones were established to implement the Temecula Valley Wine Country Policy Area of the Riverside County General Plan.
  - The Subject Property is presently located in the Winery District, which requires a density of ten (10) acres minimum for tentative approval of residential tract and parcel maps after March 11, 2014, regardless of the underlying land use designation. [County of Riverside General Plan, Southwest Area Plan, Temecula Wine Country Policy Area, ("WCPA") SWAP 1.5.]
  - 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. [WCPA, SWAP1.9-1.16.]
  - The Owner purchased the property in in November 2014 and, therefore, had presumed knowledge of the property's zoning designation.
  - The Residential District, of which the Subject Property is not a part, requires a residential density of five acre minimum.
  - The Owner of the Subject Property seeks a zoning change to Wine Country Residential which requires a density of five acres minimum in order to double the number of residential lots on the property. [WCPA, SWAP 1.5.]
  - The effect of rezoning will be increased urbanization within the policy area, contrary to the established Wine Country Zone intent. [Ordinance 348, Article XIVd, Section 14.90.]

Preservation of the Wine Country and its unique characteristics is the primary component of being able to recommend approval of the General Plan Amendment. To be able to approve the General Plan Amendment, certain justification is necessary for how this amendment complies with the findings of a foundation component amendment which are providing substantial evidence that new conditions or circumstances have occurred, the amendment would not result in a conflict with the Riverside County Vision and would not create an internal inconsistency with the General Plan.

The use of a certain baseline is not specified in Ordinance No. 348 Section 2.5.G for Regular Foundation General Plan Amendments. Therefore the findings do not require a circumstance to have occurred following a certain timeframe. Instead it is required "that new conditions or circumstances disclosed during the review process justify modifying the General Plan."

Although the applicant may have initially proposed other findings as the "new conditions or circumstances", staff has proposed that the new circumstance would be the change in the road classification of Camino Del Vino from a General Plan Circulation Element Secondary Highway to a Collector Road. This change in classification occurred in 2014 when the TVWCCP was adopted. This change, from a Secondary Highway to a Collector Road would reduce the capacity of more intensive traffic that would occur due to commercial wineries or other more intense uses that are encouraged in the Winery District.

The Riverside County Vision which states that "Riverside County is a family of special communities in a remarkable environmental setting". The Temecula Valley Wine Country Policy Area was developed to ensure the protection of this special community by ensuring long term viability of the wine industry while protecting the community's equestrian rural lifestyle. Three districts were established for this policy area, each having specific policies that relate to each district. The winery district encourage new wineries and the expansion of existing wineries, the equestrian district encourages the protection and promotion of equestrian uses, and the residential district encourages estate lot residential development to complement and balance the tourist related activities. These policies protect against the location of activities that are incompatible with existing residential and equestrian uses, which could lead to land us conflicts in the future. The boundary change **from** the Winery District, whose primary purpose is for the promotion

and the establishment of commercial activities to the Residential District, whose primary purpose is to encourage permanent estate lots and to balance tourist related activities, is more compatible with the established residential neighborhood to the south and will be compatible with Riverside County's Vision as well as the vision of the Wine Country Community Plan.

Lastly, staff determined that that this amendment is internally consistent with applicable General Plan Elements as detailed in the staff report because, the Amendment is focused on shifting the policy area boundaries which does not directly relate to other elements and policies of the General Plan.

Staff has determined that the General Plan Amendment meets the required findings as detailed in the staff report and will continue to ensure the protection and preservation of the Wine Country.

The project as proposed is consistent with and does not undermine the intent, goals, and policies of the TVWCCP. Although the project represents a change in the district boundaries of the TVWCCP, it is a well reasoned change in the district boundaries. As noted above, the change to a Collector Road would reduce the capacity to handle more intensive traffic that would occur from potential commercial wineries or other more intense uses that are encouraged in the Winery District. While the property could stay in the Winery District and a Tentative Tract Map could be proposed (with less units) in the Winery District, it would still allow the potential to develop larger scale wineries that would not likely be adequately be served by a Collector Road. Additionally, by allowing primarily residential uses with the proposed Residential District rather than winery or other more intense uses that may be allowed under the Winery District, this project would better preserve the residential nature of the existing surrounding area.

- **No New Conditions or Circumstances Exist Justifying the Rezoning of the Subject Property:**
  - **Owner's Burden.** In seeking the Amendment, the Owner's burden is to prove, based on substantial evidence, that new conditions or circumstances exist to justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Vision, and that they would not create an internal inconsistency among the elements of the General Plan. *[Ordinance No. 348, Section 2.5 General Plan, Foundation Component Amendments-Regular, G. Findings.]*
  - **The Owner has not and cannot meet his burden of proving new conditions or circumstances justifying rezoning:**
    - Conditions or Circumstances Existing since March 2014 TVWCCP adoption and November 2014 purchase of property (not new):
      - The surrounding properties are primarily vineyard or winery related, supporting the County's inclusion of the Subject Property in the Winery District Zone (Citrus/Vineyard Policy Area).
      - The surrounding properties, including the residential lots south of the Subject Property, were considered when mapping the Zones and Nogales Road was established as the dividing line between the Winery District and the Residential District.
      - The Subject Property is presently located in the Winery District, which requires a density of ten (10) acres minimum for tentative approval of residential tract and parcel maps after March 11, 2014, regardless of the underlying land use designation. *[County of Riverside General Plan, Southwest Area Plan, Temecula Wine Country Policy Area, ("WCPA") SWAP 1.5.]*
      - The owner purchased the property subject to its zoning designation in November 2014.
      - The fact that there are smaller residential lots surrounding the Subject Property does nothing to support a request to rezone the Subject Property from Winery District to Residential District. Much to the contrary, in fact, as those parcels were

existing and considered in the development of the current zoning laws adopted with the specific intent to prevent the very increased urbanization for which the Subject Property Owner and its developer seek a variance. It is inconceivable that such a request would be given serious consideration much less approval.

▪ **Irrelevant New Condition or Circumstance – Blossom Winery Exception [TR31444M2] – Not Substantial Justification for Amending Zoning of Subject Property:**

- The Blossom Winery property located in the Winery District was granted an exception to allow 24 5-acre lots over 220.9 total acres with building envelopes representing approximately 15% of total acreage.
- The request was approved because it was commenced in 2006, prior to the 2014 enactment of the TVWCCP, and, therefore, it was determined that the zoning requirements of the TVWCCP did not apply.
- The Blossom Winery exception is not a relevant new condition or circumstance that can in any way be deemed as supporting or justifying a rezoning of the Subject Property from Winery District to Residential District.

As discussed above, the applicant may have initially proposed other findings as the “new conditions or circumstances”, staff has proposed that the new circumstance would be the change in the road classification of Camino Del Vino from a General Plan Circulation Element Secondary Highway to a Collector Road. This change in classification occurred in 2014 when the TVWCCP was adopted. This change, from a Secondary Highway to a Collector Road would reduce the capacity of more intensive traffic that would occur due to commercial wineries or other more intense uses that are encouraged in the Winery District.

▪ **Dangerous Precedent Tantamount to the Granting of Special Privileges.**

- Approving the rezoning of the Subject Property without substantial evidence of new conditions and circumstances justifying rezoning would set a dangerous precedent inviting other developers to make similarly unjustified and meritless applications for amendments to the zoning laws adopted to protect the Temecula Wine Country.
- We submit that any rezoning of the property is tantamount to the granting of special privileges specifically prohibited by *Ordinance 348, Section 18.27. Variances. D. Conditions* provides that, “Any variance granted shall be subject to such conditions as are necessary so that the adjustment does not constitute a grant of special privileges that is inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated, and which are necessary to protect the health, safety and general welfare of the community.”

The applicant is requesting a Change of Zone which is subject to the findings as stated in Section 20.2 of Ordinance No. 348 which are discussed in the Staff Report. The staff report and EA can be found on the County's website

<http://planning.rcplma.org/PublicHearings/PlanningCommission/2018PCMeetingsandAgendas.aspx>. The agenda item for this project is 4.1 and is listed under the February 21 Agenda heading.

In regards to creating a precedent, Changes to Wine Country District boundaries are subject to the requirements of a Foundation General Plan Amendment. This includes such amendments only being accepted for application every 8 years, with the next window opening in 2024. Other property owners that may want a change similar to the one proposed would be subjected to the same process as this applicant. Additionally, although they may apply for a Foundation General Plan Amendment to change the district boundaries, specific findings will still have to be made as are being made for this proposed amendment, in particular what new circumstance or condition is identified to justify an amendment. A request for a Change of Zone can occur at any time.

## **GENERAL OBJECTIONS TO DEVELOPMENT OF THE SUBJECT PROPERTY:**

- **Owner/Developer Disregard for Laws and Rules.** The Owner and its developer have failed to follow local rules and codes, for example, commencing to grade the property without permit. A stop work order has been issued yet there still appears to be activity at the property. Additionally, the developer has failed to contact federal authorities in the development of federally protected wetlands. We fear we can only expect more of the same as the project progresses. The Big Developer should be held to the same standard as the average homeowner, such as ourselves, who have to jump through hoop after hoop after hoop to satisfy multiple county agencies with any small improvement.
  
- **Negative Environmental Impact – Wetlands:**
  - Nogales Road borders a Blue Line Stream, federally protected and regulated under Section 404 of the Clean Water Act.
  - No conditions are included in the plan to protect the creek, the surrounding wetlands or the ecosystem.
  - No detailed erosion plans were included to protect and prevent detriment impact within the flood zone created by development.
  - The Riverside Flood Control identifies a Blue Line Stream as "generally subject to federal environmental regulations." <http://www.foodcontrol.co.riverside.ca.us/GlossaryTerms.aspx>
  - The Owner did not consult with the Army Corps of Engineers, the EPA, or the Department of Fish & Game in its development plan.
  - Reports of potential violations have been filed with both the Army Corps of Engineers and California Fish & Wildlife active investigations are under way.
  - A full environmental impact study is essential to any planned development of the Subject Property.

To ensure protection of the environment, discretionary projects are subject to the California Environmental Quality Act (CEQA) which through the preparation of an Initial Study/Environmental Assessment (EA) which determines whether the project may have a significant effect on the environment. If the initial study shows no substantial evidence that the project may have a significant impact through project design and implementation of standard regulations and conditions of approval, a Negative Declaration is prepared. If the initial study shows that the project may have a significant impact, even through project design features and implementation of standard regulations and conditions of approval, then further unique mitigation is included and then determined if impacts are reduced to a less than significant impact, and a Mitigated Negative Declaration is prepared. If the Initial Study shows that the project may have a significant effect, even through project design features, implementation of standard regulations and conditions of approval, and all feasible mitigation measures, then an Environmental Impact Report (EIR) is prepared.

Staff prepared an Initial Study for this project and found that impacts may occur to the environment however, with the incorporation of conditions of approval that implement existing regulations, these impacts would be considered less than significant.

The southern portion of the project site is located within a flood plain and blue line stream. The Tentative Tract Map has delineated the Flood Plain area as well as noted this as Riparian Area - No Disturbance. The Initial Study prepared for the project was based on the area being avoided to not impact the area through the construction of bridges that would span the delineated drainage area to not impact it. Regardless of the Initial Study addressing the potential for impacts to the drainage area, existing regulations from California Fish & Wildlife and Army Corps of Engineers are in place for the project to comply with if such temporary or permanent direct or indirect impacts occur to the drainage area. Conditions of approval were also applied to ensure that the blue line stream and riparian area would be 100%

avoided or else such permitting through California Fish & Wildlife and Army Corps of Engineers will be required. As these are existing regulations, these are not considered mitigation pursuant to CEQA.

Based on grading that has recently occurred on the site through an agricultural grading permit, such direct or indirect impacts to the drainage area may have occurred. These concerns are why a stop work order was issued by the County to halt all grading activities on the site. Based on staff inspection, it appeared that the grading encompassed more than what the agricultural permit allowed and a Stop Work Notice was issued. As a result, additional conditions of approval were added to ensure this area be protected and possibly be restored back to its original state. These conditions include that prior to the issuance of a grading permit a Determination of Biologically Equivalent or Superior Preservation (DBESP) be submitted to, reviewed and approved by EPD and the Wildlife Agencies. All riverine, riparian and jurisdictional features shall be mapped. Once the DBESP is forwarded to the Wildlife Agencies a 60-day review period will start which may result in a significant delay in implementing the project. EPD has also conditioned that a CDFW 1600 and USACE 404 permit be required prior to issuance of grading permits. The Department of Flood Control also conditioned the project that the floodplain for Long Valley Wash must be kept free of all fill, buildings, and obstructions in order to maintain the natural drainage patterns of the area and to prevent flood damage of new buildings. Although these impacts may have already occurred, this can still be addressed through proper permitting if deemed necessary prior to grading permit issuance for development of the Tentative Tract Map.

The proposed plan does call out for the construction of 4 bridges that will cross the riparian area. An additional condition of approval prior to the issuance of building permits has been added by EPD that requires the building plans for the construction of the four bridges over Long Valley Wash to be reviewed and approved by EPD. Additionally construction of the bridges must follow the "Guidelines for Construction of Wildlife Crossings".

- **No Provision for Surrounding Road Infrastructure.** Any new residential development will increase travel on roads fronting affected properties. Toledo Road, off of which cui de saq extends, is a dirt road and not maintained by the County. It is a very narrow road, not passable by two vehicles in some spots with two very blind hills. A full transportation study is essential to any planned development of the Subject Property.

The County's Transportation Senior Civil Engineer stated that the increase in tourist/visitor traffic would be minimal on Los Nogales Road. The road is currently not paved which discourages the use of the road by tourists/visitors. Additionally, the development proposal considers the subdivision of property into 8-lots. The threshold for a development to prepare a traffic study is 100 peak hourly trips. Using the Trip General Manual publication from the Institute of Transportation Engineers, the project is estimated to generate 8 peak hourly trips in the afternoon peak hour, therefore a traffic study was not required.

- **No Provision for Historic Site.** The Eastern third of the Subject Property is the site of the December 1846 Temecula Massacre, at which it is estimated more than one hundred Temecula Indians were killed. A set aside area is essential to any planned development of the property out of respect for the fallen.

In regards to the protection of cultural and tribal resources, specifically the December 1846 Temecula Massacre, staff had not received any mention of this event and it's occurrence on the Project site from the notified tribes or any other source. Additionally, the County's Chief Engineering Geologist and the County's Archeologist have been in direct contact with The Temecula Band of Luiseno Mission Indians (Pechanga) who stated that the 1846 Temecula Massacre did not occur on the Project site based on their professional research and tribal information. Additionally, representatives from Pechanga will be contacting the organization that has depicted this massacre site erroneously on their Website to have it removed.

Since the project involves a General Plan Amendment, SB 18 Tribal Consultation was required. The Native American Heritage Commission (NAHC) provides a list to the County of the tribes whose historical extent includes the project site. Noticed tribes are given 90 days in which to request consultation regarding the proposed project.



No consultation requests were received at the end of the 90 day noticing period. Additionally, AB 52 notices regarding this project were mailed to all requesting tribes. The Pala Band of Mission Indians requested consultation. Pala concluded their consultation and stated they had no concerns. Six other tribes that were noticed did not require consultation. However, during earth moving activities the project has been conditioned that a Native American Monitor be retained on site to ensure protection if any tribal resources are encountered.

**CONCLUSION:**

In order for the rezoning Amendment to be approved, the Planning Commission must be able to make **findings, based on substantial evidence, that new conditions or circumstances were disclosed during the review process that justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Vision, and that they do not create an internal inconsistency among the elements of the General Plan.**

We respectfully submit that no such evidence exists and, therefore, that no such findings can be made. To do so would be the same as the granting of special privileges prohibited by Ordinance 348 and in direct contravention if the intent of the TVWCCP, to **protect the Wine Country area and its residents from incompatible uses which could result in reduced agricultural productivity and increased urbanization within the policy area.**

It is our request that the request for rezoning of the Subject Property from Winery District to Residential District be denied and that any other planned development of the Subject Property be conditioned upon the zoning requirements of the Winery District, adherence to full Environmental and Transportation studies and requirements and community input.

Respectfully,

Jeannie & Frederick Lynch  
35510 Schuber Lane  
Termeucia CA 92592

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**Bradford, Deborah**

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**From:** Bradford, Deborah  
**Sent:** Thursday, February 15, 2018 5:45 PM  
**To:** 'Kami Keshmiri'  
**Cc:** Brady, Russell  
**Subject:** RE: TR 37254 GPA 1202 and CZ 7885

Good Evening Kami,  
I will address your comments below in blue.

Best regards,  
Deborah

Deborah Bradford, Planner  
4080 Lemon Street, 12<sup>th</sup> Floor  
Riverside, CA 92501  
(951)955-6646  
dbradfor@rivco.org

**From:** Kami Keshmiri [mailto:transirvine@yahoo.com]  
**Sent:** Tuesday, February 13, 2018 2:18 PM  
**To:** Bradford, Deborah <DBradfor@RIVCO.ORG>; Brady, Russell <rbrady@RIVCO.ORG>; dbradford@rivco.org  
**Subject:**

**TO:** Deborah Bradford, Planner [dbradfor@rivco.org](mailto:dbradfor@rivco.org) 951-955-6646  
**CC:** Russell Brady, Contract Planner [rbrady@rctima.org](mailto:rbrady@rctima.org)

My name is Kamalleddin Keshmiri and I live at 40644 Calle Toledo, Temecula, CA 92592. I live across the street from the Subject Property".

I **oppose** EA42839, GPA 1202, and TR 37254. The Owner must be required to follow County, State and Federal laws and rules for developing the Subject Property. To date they have not done so. I ask that you NOT adopt the Negative Declaration.

My specific concerns with the County's Environmental Assessment EA 42839 is the following. The Assessment:

1. Will cause a significant harmful impact on existing environment.

Staff prepared an Initial Study for this project and found that impacts may occur to the environment however, with the incorporation of conditions of approval **that** implement existing regulations, these impacts would be considered less than significant

The southern portion of the project site is located within a flood plain and blue line stream. The **Tentative** Tract Map has delineated the Flood Plain area as well as noted this as Riparian Area - No Disturbance. The Initial Study prepared for the project was based on the area being avoided to not impact the area through the construction of bridges that would span the delineated drainage area to not impact

it. Regardless of the Initial Study addressing the potential for impacts to the drainage area, existing regulations from California Fish & Wildlife and Army Corps of Engineers are in place for the project to comply with if such temporary or permanent direct or indirect impacts occur to the drainage area. Conditions of approval were also applied to ensure that the blue line stream and riparian area would be 100% avoided or else such permitting through California Fish & Wildlife and Army Corps of Engineers will be required. As these are existing regulations, these are not considered mitigation pursuant to CEQA.

Based on grading that has recently occurred on the site through an agricultural grading permit, such direct or indirect impacts to the drainage area may have occurred. These concerns are why a stop work order was issued by the County to halt all grading activities on the site. Based on staff inspection, it appeared that the grading encompassed more than what the agricultural permit allowed and a Stop Work Notice was issued. As a result, additional conditions of approval were added to ensure this area be protected and possibly be restored back to its original state. These conditions include that prior to the issuance of a grading permit a Determination of Biologically Equivalent or Superior Preservation (DBESP) be submitted to, reviewed and approved by EPD and the Wildlife Agencies. All riverine, riparian and jurisdictional features shall be mapped. Once the DBESP is forwarded to the Wildlife Agencies a 60-day review period will start which may result in a significant delay in implementing the project. EPD has also conditioned that a CDFW 1600 and USACE 404 permit be required prior to issuance of grading permits. The Department of Flood Control also conditioned the project that the floodplain for Long Valley Wash must be kept free of all fill, buildings, and obstructions in order to maintain the natural drainage patterns of the area and to prevent flood damage of new buildings. Although these impacts may have already occurred, this can still be addressed through proper permitting if deemed necessary prior to grading permit issuance for development of the Tentative Tract Map.

The proposed plan does call out for the construction of 4 bridges that will cross the riparian area. An additional condition of approval prior to the issuance of building permits has been added by EPD that requires the building plans for the construction of the four bridges over Long Valley Wash to be reviewed and approved by EPD. Additionally construction of the bridges must follow the "Guidelines for Construction of Wildlife Crossings"

- 1. Will cause a significant increase in traffic across Calle Toledo, which is a dirt road, very steep with two blind spots right in front of my house. Site of numerous accidents. My disabled daughter gets picked up every day in a school bus travelling on this dangerous road!**

The County's Transportation Senior Civil Engineer stated that the increase in tourist/visitor traffic would be minimal on Los Nogales Road. The road is currently not paved which discourages the use of the road by tourists/visitors. Additionally, the development proposal considers the subdivision of property into 8-lots. The threshold for a development to prepare a traffic study is 100 peak hourly trips. Using the Trip General Manual publication from the Institute of Transportation Engineers, the project is estimated to generate 8 peak hourly trips in the afternoon peak hour, therefore a traffic study was not required

- 2. Failed to address culturally sensitive Native American land.**

In regards to the protection of cultural and tribal resources, specifically the December 1846 Temecula Massacre, staff had not received any mention of this event and its occurrence on the Project site from the notified tribes or any other source. Additionally, the County's Chief Engineering Geologist and the County's Archeologist have been in direct contact with The Temecula Band of Luiseno Mission Indians

(Pechanga) who stated that the 1846 Temecula Massacre did not occur on the Project site based on their professional research and tribal information. Additionally, representatives from Pechanga will be contacting the organization that has depicted this massacre site erroneously on their Website to have it removed.

Since the project involves a General Plan Amendment, SB 18 Tribal Consultation was required. The Native American Heritage Commission (NAHC) provides a list to the County of the tribes whose historical extent includes the project site. Noticed tribes are given 90 days in which to request consultation regarding the proposed project. No consultation requests were received at the end of the 90 day noticing period. Additionally, AB 52 notices regarding this project were mailed to all requesting tribes. The Pala Band of Mission Indians requested consultation. Pala concluded their consultation and stated they had no concerns. Six other tribes that were noticed did not require consultation. However, during earth moving activities the project has been condition that a Native American Monitor be retained on site to ensure protection if any tribal resources are encountered.

**My suggestions for the County to address these concerns are:**

1. Do **NOT** approve changing the Property to the Residential District so a house can be put on a 5-acre lot. I think this change hurts Wine Country. Ensure development follows the Winery District rules (e.g., 10-acre lots for houses).
2. Require full environmental study with full inclusion of all interested parties and environmental authorities.
3. Require full transportation study with plans to improve Los Nogales Rd. from Anza Rd. to Camino Del Vino Rd., Calle Toledo Rd. from Los Nogales Rd. to Via Anita, and the intersection of Los Nogales Rd. and Camino Del Vino Rd so it complies with present standards.
4. Require the Owner to set aside the eastern third of the Property as open space in respect to Native Americans and to honor their heritage.

**Kami Keshmiri**