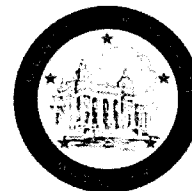


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 21.4
(ID # 11285)

MEETING DATE:

Tuesday, December 10, 2019

FROM: TLMA-PLANNING:

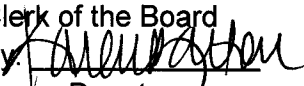
SUBJECT: TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: Public Hearing on CONDITIONAL USE PERMIT NO. 180007, PLOT PLAN NO. 180011, PLOT PLAN NO. 180012, GENERAL PLAN AMENDMENT NO. 1201, CHANGE OF ZONE NO. 7946, ADOPT ORDINANCE NO 348.4917, APPROVE PUBLIC CONVENIENCE AND NECESSITY FINDINGS, ADOPT RESOLUTION 2019-251 AMENDING THE RIVERSIDE COUNTY GENERAL PLAN, SECOND CYCLE OF GENERAL PLAN AMENDMENTS (2019) – MITIGATED NEGATIVE DECLARATION (CEQ180035) – Applicant: Van Dorpe-Bettencourt Family Properties – Engineer/Representative: Michael Napolitano – 5th Sup. District – Pass and Desert Zoning District – San Gorgonio Pass Wind Energy Policy Area – Rural: Rural Desert – 22.31 Acres – Zoning: Controlled Development Area (W-2) – Location: East of Highway 62, west of Worsley Road, and south of Dillon Road, within the Coachella Valley, north of the City of Palm Springs - REQUEST: GPA No. 1201 a proposal to amend the General Plan Foundation Component from Rural to Community Development and Land Use designations from Rural Desert to Light Industrial and Commercial Retail. CZ No. 7946 is a proposal to change the zoning on the site from W-2 (Controlled Development Areas) to C-P-S (Scenic Highway Commercial) on APN: 668-200-018, and from W-2 to I-P (Industrial Park) on APN: 668-200-020 and 668-200-008. Adopt Ordinance No. 348.4917 amending the zoning. Three Planning Entitlements have been submitted that would implement General Plan Amendment No. 1201 and Change of Zone No. 7946: CUP180007 (APN: 668-200-018) – Conditional Use Permit for a gas station, a 2,696 sq. ft. convenience store with the concurrent sale of beer and wine for off premises consumption, 16 fueling stations, 3,107 sq. ft. retail building and a 1,727 sq. ft. car wash. PPT180011 (APN: 668-200-020) – Plot Plan for a 107,335 sq. ft. light industrial park. PPT180012 (APN: 668-200-008) – Plot Plan for a 140,579 sq. ft. mini-warehouse development. District 5. [Applicant fees 100%]

ACTION: Policy, Set for Hearing

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Hewitt, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended; and Ordinance No. 348.4917 is adopted as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: December 10, 2019
xc: Planning

Kecia R. Harper
Clerk of the Board
By: 
Deputy

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

RECOMMENDED MOTION: That the Board of Supervisors:

1. **ADOPT** a **MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. CEQ180035**, based on the findings and conclusions provided in the initial study, and the staff report, attached hereto, and the conclusion that the project will not have a significant effect on the environment;
2. **APPROVE** **GENERAL PLAN AMENDMENT NO. 1201**, a General Plan Foundation Component Amendment to change the project site's General Plan Land Use designation from Rural (RUR) to Community Development (CD) and a General Plan Policy/Entitlement amendment to amend its Land Use Designation from Rural Desert (RD) 10-acre minimum to Light Industrial (LI) on property "C" and Parcel 1 and to Commercial Retail (CR) on Parcel 3;
3. **ADOPT** **RESOLUTION NO. 2019-251** amending the Riverside County General Plan in accordance with the Board of Supervisors approval of General Plan Amendment No. 1201;
4. **DIRECT** the Planning Department to incorporate the changes made by General Plan Amendment No. 1201 into the Riverside County General Plan Land Use Element and associated Area Plans, tables and figures;
5. **APPROVE** **CHANGE OF ZONE NO. 7946**, amending the project site's Zoning Classification from Controlled Development Area (W-2) to Scenic Highway Commercial (C-P-S) on Parcel 3, and from Controlled Development Area (W-2) to Scenic Highway Commercial (C-P-S) on Parcel 3, and Controlled Development Area (W-2) to Industrial Park (IP) on Parcel 1 and Property "C" as shown on the exhibit for CZ07946;
6. **ADOPT** **ORDINANCE NO. 348.4917** amending the zoning of the Pass and Desert Zoning District shown on Map No. 58.097, Change of Zone No. 7946 attached hereto and incorporated herein by reference;
7. **APPROVE** **PUBLIC CONVENIENCE AND NECESSITY FINDINGS** as provided in the staff report;
8. **APPROVE** **CONDITIONAL USE PERMIT NO. 180007** subject to the attached conditions of approval and advisory notification document, based on the findings and conclusions in this staff report;
9. **APPROVE** **PLOT PLAN NO. 180011** subject to the attached conditions of approval and advisory notification document, based on the findings and conclusions in this staff report; and

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

10. APPROVE PLOT PLAN NO. 180012 subject to the attached conditions of approval and advisory notification document, based on the findings and conclusions in this staff report.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: Applicant Fees 100%			Budget Adjustment:	No
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The application was considered by the General Plan Advisory Committee (GPAC) during a public meeting on September 8, 2016, and was recommended for initiation to the Planning Commission, by a majority with one abstention.

During the GPAC meeting the members discussed the location, noting that the project site is in close proximity to two freeways. The members felt the proposed change would be appropriate and could result in establishing some new services for the area. The members further requested that the applicant be sensitive to the design of any future project, relating to architecture, landscaping, and building siting, as any project on this location will be highly visible.

On November 16, 2016, the Planning Commission provided comments on the proposed initiation.

On April 11, 2017, the Board of Supervisors adopted an order initiating proceedings for the proposed General Plan Amendment No. 1201.

On April 9, 2018 a request for a Conditional Use Permit and two Plot Plan Applications were submitted.

The project was submitted for a General Plan Amendment, Change of Zone, Conditional Use Permit and two Plot Plan applications. The requested entitlements below are considered the "project."

The proposed project comprises the development of three parcels. The project proposes a gasoline station, convenience store with the concurrent sale of beer and wine for off premises consumption, retail building, and car wash, an industrial park, and a self-storage facility with a caretaker's facility.

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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Parcel 3 (668-200-018) proposes a General Plan Amendment to Commercial Retail (CR). The Commercial Retail (CR) land use designation allows for the development of commercial retail uses at a neighborhood, community and regional level, as well as for professional office and tourist-oriented commercial uses. The gas station with convenience store with the concurrent sale of beer and wine for off premises consumption, 16 fueling stations, a retail building, and car wash is consistent with the intended uses in the CR designation and would not conflict with any General Plan Land Use Policies.

Parcel 1 (668-200-020) and Property "C" (668-200-008) proposes a General Plan Amendment to Light Industrial (LI). The LI designation allows for a wide variety of industrial and related uses, including assembly and light manufacturing, repair, and other service facilities, warehousing, distribution centers, and support retail uses. Building intensity ranges from 0.25 to 0.6 FAR. The industrial park and self-storage developments are consistent with the intended uses in the LI designation, and would not conflict with any General Plan Land Use policies.

GPA1201 was initiated by the Board of Supervisors on April 11, 2017, to amend the project site's General Plan Land Use Foundation Component from Rural (RUR) to Community Development (CD), and General Plan Land Use Designations from Rural Desert to Commercial Retail on Parcel 3 (APN:668-200-018) and Light Industrial on Parcel 1 and Property "C" (APNs: 668-200-020 and 668-200-008)

CZ07946 was submitted to change the zoning on the project site from Controlled Development Areas (W-2) to Scenic Highway Commercial (C-P-S) on APN: 668-200-018, and from W-2 to Industrial Park (IP) on APN: 668-200-020 and 668-200-008.

Conditional Use Permit No. 180007 on Parcel 3 (668-200-018) to facilitate the establishment of a gas station with a convenience store with the concurrent sale of beer and wine for off premises consumption, 16 fueling stations, retail building, and self-service car wash.

Plot Plan No. 180001 to facilitate the construction of a 107,335 square foot light industrial park, including industrial buildings, offices, buildings and a convenience center for workers and visitors on 10.05 acres (APN: 668-200-020).

Plot Plan No. 180012 (PPT180012) would facilitate the construction of a 140,579 square foot mini-storage development, including a caretaker's facility on a 9.8 acre parcel (APN: 668-200-008). The overall project does not conflict with Section 18.41 of Ordinance No. 348. (Commercial Wind Energy Conversion Systems Permits)

The project site is generally located east of Highway 62, west of Worsely Road, and south of Dillon Road, within the Coachella Valley north of the city of Palm Springs.

Currently there are eight (8) alcohol beverage control licenses in Census Tract 445.22. Approval of this Conditional Use Permit would increase the number of existing alcohol beverage control licenses to nine (9). According to the California State Department of Alcohol Beverage

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
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Control (ABC), the maximum number of licenses for this census tract is two (2). In order to exceed the number of allowed licenses for a census tract, the ABC requires acknowledgement from the local jurisdiction that the jurisdiction agrees with the increase beyond the limit. The acknowledgement is the approval of finding of "Determination of Public Convenience and Necessity" in the recommendations and as detailed in the findings below.

The Planning Commission considered the project on October 16, 2019. There were no public speakers. The Planning Commission recommended the Board adopt a Mitigated Negative Declaration for Environmental Assessment No. CEQ180035 and recommended approval of the proposed project with a 4-0 vote subject to the conditions of approval as modified at hearing.

The County has the ability to process four cycle updates to its General Plan annually. The Second Cycle Resolution of General Plan Amendments for 2019 includes GPA No. 1201, which was considered by the Board of Supervisors during the noticed public hearing. GPA No. 1201 is a Regular Foundation Component Amendment and a Policy/Entitlement Amendment.

INDIVIDUAL AMENDMENT(S):

Bettencourt General Plan Amendment No. 1201 (Foundation Component Amendments - Regular): A proposal to amend the current General Plan Land Use Foundation Component of approximately 20 acres from Rural (RUR) to Community Development (CD), and the General Plan Land Use Designations from Rural Desert (RD) [10-acre minimum] to Commercial Retail (CD: CR) [0.20 – 0.35 FAR] and Light Industrial (CD: LI) [0.25 – 0.60 FAR], as shown on Exhibit 6 titled "CZ07946 GPA01201 CUP180007 PPT1800011 PPT180012." The project site is located within the Western Coachella Valley Area Plan in the Fifth Supervisorial District, generally located east of Highway 62, west of Worsely Road, and south of Dillon Road, within the Coachella Valley north of the city of Palm Springs. GPA No. 1201 is associated with Change of Zone No. 7946, Plot Plan No. 1800011, Plot Plan No. 1800012, Conditional Use Permit No. 180007, and the associated environmental assessment, which were considered concurrently with this amendment at the public hearings before the Planning Commission and Board of Supervisors. The Planning Commission recommended that the Board of Supervisors tentatively approve GPA No. 1201 on October 16, 2019.

The adoption of Resolution No. 2019-251 will approve GPA No. 1201. Ordinance No. 348.4917 will formally change the property's zoning classification and amend the County's zoning map to reflect the new zoning classification.

Impact on Residents and Businesses

The impacts of this project have been evaluated through the environmental review and public hearing process by the Planning Department and the Planning Commission.

Additional Fiscal Information

All fees are paid by the applicant. There is no General Fund obligation.

ATTACHMENTS

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

ATTACHMENT A. Planning Commission Minutes

ATTACHMENT B. Planning Commission Staff Report Package

ATTACHMENT C. Memo Response to Vanst Law

ATTACHMENT D. Conditions of approval as advised by the Planning Commission

ATTACHMENT E. Resolution No. 2019-251

ATTACHMENT F. Ordinance No. 348.4917



Jason Farin, Senior Management Analyst

12/3/2019

2
3 **RESOLUTION NO. 2019-251**
4 **AMENDING THE RIVERSIDE COUNTY**
5 **GENERAL PLAN**

6 **(Second Cycle of General Plan Land Use Amendments for 2019)**

7 **WHEREAS**, pursuant to the provisions of Government Code Section 65350 et seq., notice was
8 given and public hearings were held before the Riverside County Board of Supervisors and the Riverside
9 County Planning Commission in Riverside and/or Palm Desert, California to consider proposed
10 amendments to the Western Coachella Valley Area Plan and of the Riverside County General Plan; and,

11 **WHEREAS**, all provisions of the California Environmental Quality Act ("CEQA") and Riverside
12 County CEQA implementing procedures have been satisfied; and,

13 **WHEREAS**, the proposed general plan amendments were discussed fully with testimony and
14 documentation presented by the public and affected government agencies; now, therefore,

15 **BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board of Supervisors
16 of the County of Riverside in regular session assembled on December 10, 2019 that:

- 17 **A. General Plan Amendment (GPA) No. 1201** amends the current General Plan Land Use
18 Foundation Component of approximately 22 acres from Rural (RUR) to Community
19 Development (CD), and the General Plan Land Use Designations from Rural Desert
20 (RD)[10 acre minimum] to Commercial Retail (CD: CR)[0.20 – 0.35 FAR] and Light
21 Industrial (CD: LI)[0.25 – 0.60 FAR], as shown on Exhibit 6 titled "CZ07946 GPA01201
22 CUP180007 PPT180011 PPT180012." The project site is located within the Western
23 Coachella Valley Area Plan in the Fifth Supervisorial District, generally located east of
24 Highway 62, west of Worsely Road, and South of Dillon Road, within the Coachella
25 Valley north of the City of Palm Springs. GPA No. 1201 is associated with Change of
26 Zone No. 7946, Plot Plan No. 180011, Plot Plan No. 180012, Conditional Use Permit No.
27 180007, and the associated environmental assessment, which were considered
28 concurrently with this amendment at the public hearings before the Planning Commission
and Board of Supervisors. The Planning Commission recommended that the Board of

FORM APPROVED BY COUNTY COUNSEL
BY: TEVA J. MOSHREF, DANESH, DATE 11/29/19

1 Supervisors tentatively approve GPA No. 1201 on October 16, 2019. After taking public
2 testimony, the Board of Supervisors closed the public hearing and tentatively approved
3 General Plan Amendment No. 1201 on December 10, 2019.

4 **BE IT FURTHER RESOLVED** by the Board of Supervisors, based on the evidence presented on
5 this matter, both written and oral, including the environmental assessment, that:

- 6 1. The site is located within the Western Coachella Valley Area Plan.
- 7 2. The Western Coachella Valley Area Plan Land Use Map establishes the extent,
8 intensity, and location of land uses within the Western Coachella Valley area.
- 9 3. GPA No. 1201 is a Foundation Component Amendment – Regular and an
10 Entitlement/Policy Amendment.
- 11 4. An application for the site was submitted on June 27, 2016 for the 2016 General Plan
12 review cycle period, and the Board of Supervisors adopted an order initiating
13 proceedings for GPA No. 1201 on April 11, 2017.
- 14 5. The project site has an existing General Plan Foundation Component and land use
15 designation of Rural: Rural Desert (RUR: RD) (10 Acre Minimum).
- 16 6. GPA No. 1201 proposes to modify the existing General Plan Foundation Component
17 and land use designation to Commercial Development: Commercial Retail (CD:
18 CR)[0.20 – 0.35 FAR] and Commercial Development: Light Industrial (CD: LI)[0.25
19 – 0.60 FAR], as shown on Exhibit 6.
- 20 7. The project site is generally surrounded by properties having General Plan land use
21 designations of Rural: Rural Desert (R: RD) to the north, east and south; and Rural:
22 Rural Residential (R: RR) to the west.
- 23 8. An General Plan Foundation Component Amendment – Regular may be approved if
24 new conditions or circumstances disclosed during the review process justify
25 modifying the General Plan; the modifications do not conflict with the overall
26 Riverside County Vision; and the modifications would not create internal
27 inconsistency among the elements of the General Plan.
- 28

- 1 9. An Entitlement/Policy General Plan amendment may be approved if the change does
2 not involve a change in or conflict with the Riverside County Vision, any General
3 Planning Principle set forth in General Plan Appendix B, or any Foundation
4 Component Designation in the General Plan; the proposed amendment would either
5 contribute to the purposes of the General Plan or, at a minimum, would not be
6 detrimental to them; and an amendment is required to expand basic employment job
7 opportunities (jobs that contribute directly to the County's economic base) and that
8 would improve the ratio of jobs-to-workers in the County.
- 9 10. New conditions or circumstances disclosed during the review process of GPA No.
10 1201 justify modifying the General Plan. The project site(s) are located at the
11 intersection of Highway 62 at Dillon Road. The intersection has recently been
12 signalized with a modern Cal Trans installation, with protected left turn phases
13 creating a new circumstance. Highway 62 is the gateway to Joshua Tree National
14 Park and the USMC Air-Ground Combat Training Center at 29 Palms. Dillon Road
15 is a gateway to Desert Hot Springs to the east. Because of these roadway
16 improvements and increased use, there is a greater need for these services.
17 Additionally, the proposed project would provide employment in a sub-region that
18 SCAG considered "jobs poor." The project would contribute towards the balance of
19 jobs-to-housing in this SCAG sub-region by providing more localized employment
20 opportunities to residents of the Coachella Valley, Morongo Valley, and San
21 Gorgonio Pass, so residents would not have to travel as far to work. With the property
22 now being bounded by a highway and solar and wind turbines, residential uses under
23 a Rural Desert designation are no longer appropriate for this property.
- 24 11. GPA No. 1201 does not involve a change or conflict with the overall Riverside
25 County Vision. The Riverside County Vision, in its discussion on Population
26 Growth, specifically provides, "New growth patterns no longer reflect a pattern of
27 random sprawl. Rather, they follow a framework of transportation and open space
28 corridors, with concentrations of development that fit into the framework. In other

1 words, important open space and transportation corridors define growth areas.”
2 While the project is not currently located adjacent to similar type or intensity of
3 development, the project is located on what is currently a major transportation
4 corridor, State Highway 62, and relatively close to Interstate 10, and therefore, it is
5 intended to create a concentration of development that fits the framework of an
6 existing transportation corridor.

7 12. GPA No. 1201 has been reviewed in conjunction with each of the Riverside County
8 General Plan elements, and it has been determined that GPA No. 1201 would not
9 create an internal inconsistency among the elements of the General Plan.

10 13. GPA No. 1201 does not involve a change in or conflict with any General Planning
11 Principle set forth in General Plan Appendix B. Specifically, GPA No. 1201 is
12 consistent with the following principles:

13 a. General Plan Principle I.C (Maturing Communities) provides, “The General
14 Plan Vision acknowledges that every community in the County is maturing
15 in its own way its own way, at its own pace and within its own context...”

16 This Principle highlights that communities are not fixed in their development
17 patterns, but that over time may transition, in particular to more urban uses
18 and intensities, while still respecting the existing communities where they
19 meet by transitioning densities and providing buffers where appropriate. The
20 area around the project site is largely undeveloped. The project seeks to
21 develop the area while still respecting the existing communities by providing
22 landscape buffers along the perimeter.

23 b. General Plan Principle VII (Economic Development Principles) provide for
24 Economic Development, which aims to expand the current and future
25 economic and employment base within the County to allow residents to both
26 live and work within the County, and to become part of regional, national,
27 and international markets and not just local markets. The project will provide
28 jobs to the area, for people residing within the area.

1 c. For the above reasons, GPA No. 1201 would not involve a change in or
2 conflict with any Riverside County General Planning Principle set forth in
3 General Plan Appendix B.

4 14. GPA No. 1201 proposes a change the Foundation Component of the project site;
5 however, findings to support this change are found above. The approval of GPA No.
6 1201 change will prevent a conflict with any Foundation Component Designation in
7 the General Plan.

8 15. GPA No. 1201 will contribute to the purposes of the General Plan or, at a minimum,
9 will not be detrimental to them. The purposes of General Plan are to set direction for
10 land use and development in strategic locations, provide for the development of the
11 economic base, establish a framework of the transportation system, and the
12 preservation of natural and cultural resources. GPA No. 1201 will facilitate the use
13 of existing facilities and will provide services, resources and jobs thereby helping to
14 establish a framework for the area.

15 16. Special circumstances or conditions have merged that were unanticipated in
16 preparing the General Plan. These properties are located at the intersection of
17 Highway 62 at Dillon Road. The intersection has recently been signalized with a
18 modern Cal Trans installation, with protected left turn phases creating a new
19 circumstance. Highway 62 is the gateway to Joshua Tree National Park and the
20 USMC Air-Ground Combat Training Center at 29 Palms. Dillon Road is a gateway
21 to Desert Hot Springs to the east. Because of these roadway improvements and
22 increased use, there is a greater need for these services.

23 17. GPA No. 1201 would also expand basic employment job opportunities (jobs that
24 contribute directly to the County's economic base) and that would improve the ratio
25 of jobs-to-workers in the County. The implementing project associated to GPA No.
26 1201 will provide for the development of a facility that will provide permanent jobs
27 to the area and improve the ratio of jobs to workers in the County.
28

1 18. Based on the above, GPA No. 1201 will not be detrimental to the public's health,
2 safety, or welfare.

3 19. An initial study (Environmental Assessment No. CEQ180095), a copy of which is
4 incorporated herein by reference, determined that GPA No. 1201 and the associated
5 project could have potentially significant impacts on Biological Resources and
6 Noise. However, it was determined that these impacts would be mitigated to a level
7 of non-significance through the application of the measures indicated in the initial
8 study. The initial study resulted in preparation of a Mitigated Negative Declaration
9 of environmental effects and a determination that GPA No. 1201 and the associated
10 project would not have a significant effect on the environment.

11 **BE IT FURTHER RESOLVED** by the Board of Supervisors that it **ADOPTS** the Mitigated
12 Negative Declaration for Environmental Assessment No. CEQ180095), based on the findings found in the
13 initial study, incorporated herein by reference, and **ADOPTS** General Plan Amendment No. 1201, as
14 described herein and shown on Exhibit 6 titled "CZ07946 GPA01201 CUP180007 PPT180011
15 PPT180012," attached hereto and incorporated herein by reference.

16 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the custodians of the documents
17 upon which this decision is based are the Clerk of the Board of Supervisors and the County Planning
18 Department, and that such documents are located at 4080 Lemon Street, Riverside, California.

19 ROLL CALL:

20 Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
21 Nays: None
22 Absent: None

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

25 Kecia R. Harper, Clerk of said Board

26 By: 
27 Deputy

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ORDINANCE NO. 348.4917

AN ORDINANCE OF THE COUNTY OF RIVERSIDE

AMENDING ORDINANCE NO. 348 RELATING TO ZONING

The Board of Supervisors of the County of Riverside ordains as follows:

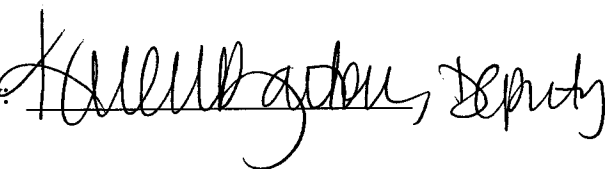
Section 1. Section 4.1 of Ordinance No. 348, and Pass and Desert District Zoning Plan Map No. 58, as amended, are further amended by placing in effect in the zone or zones as shown on the map entitled "Change of Official Zoning Plan, Pass and Desert District, Map No. 58.097, Change of Zone Case No. 7946," which map is made a part of this ordinance.

Section 2. This ordinance shall take effect 30 days after its adoption.

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

By: 
Chairman, Board of Supervisors

ATTEST:
KECIA R. HARPER
Clerk of the Board

By: 
Deputy

(SEAL)

APPROVED AS TO FORM
November 26, 2019

By: 
MICHELLE CLACK
Chief Deputy County Counsel

DEC 10 2019 21.4

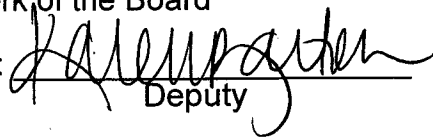
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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on December 10, 2019, the foregoing ordinance consisting of 2 Sections was adopted by the following vote:

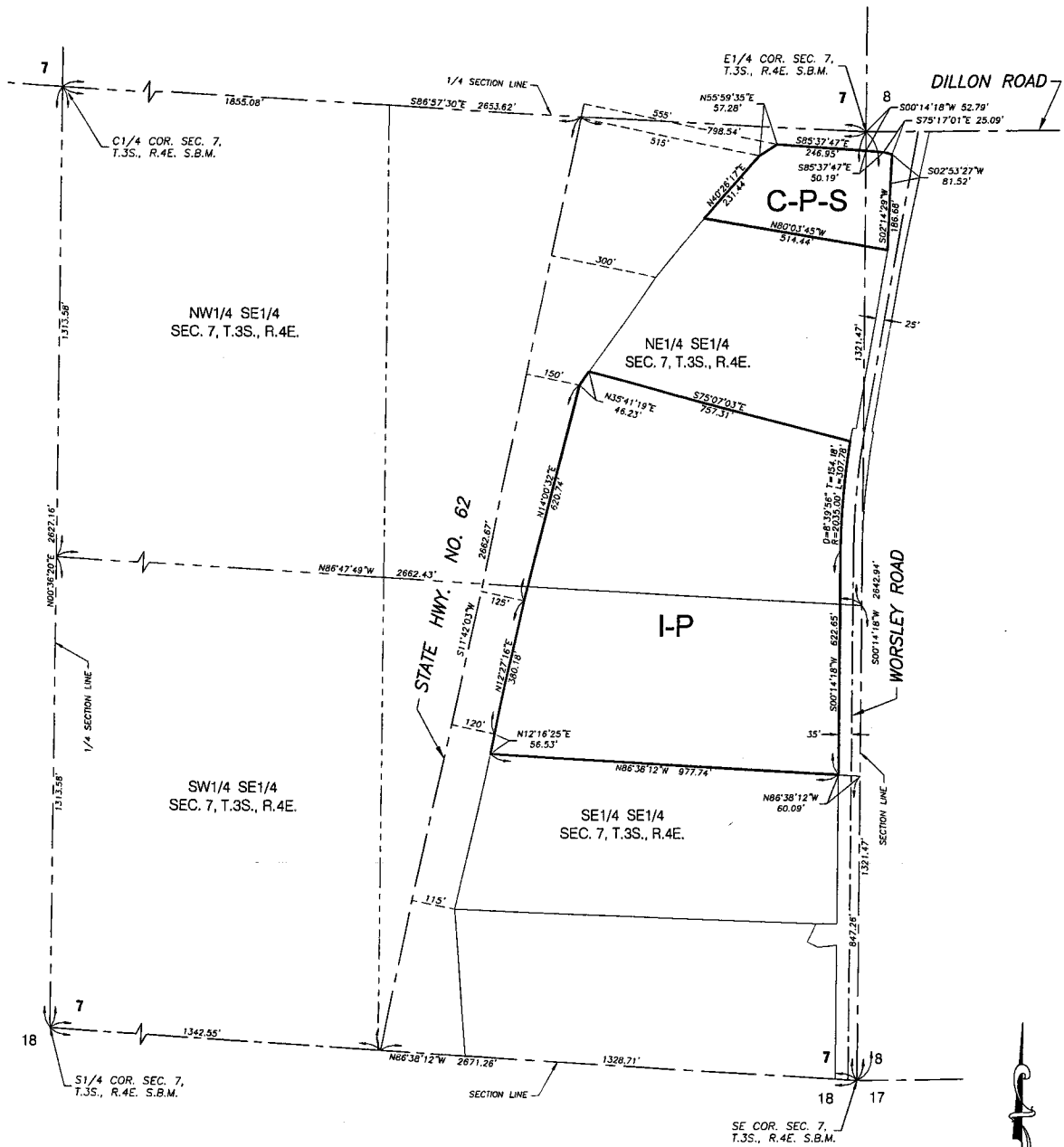
AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
NAYS: None
ABSENT: None

DATE: December 10, 2019

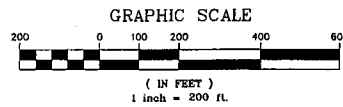
KECIA R. HARPER
Clerk of the Board
BY: 
Deputy

SEAL

SEC. 7 & 8, T.3S., R.4E. S.B.B. & M.



- C-P-S SCENIC HIGHWAY COMMERCIAL
- I-P INDUSTRIAL PARK



MAP NO. 58.097
CHANGE OF OFFICIAL ZONING PLAN
PASS & DESERT
DISTRICT
 CHANGE OF ZONE CASE NO. 7946
 AMENDING ORDINANCE NO. 348
 ADOPTED BY ORDINANCE NO. 348.4917
 DECEMBER 10, 2019
 RIVERSIDE COUNTY BOARD OF SUPERVISORS

RIVERSIDE COUNTY PLANNING DEPARTMENT

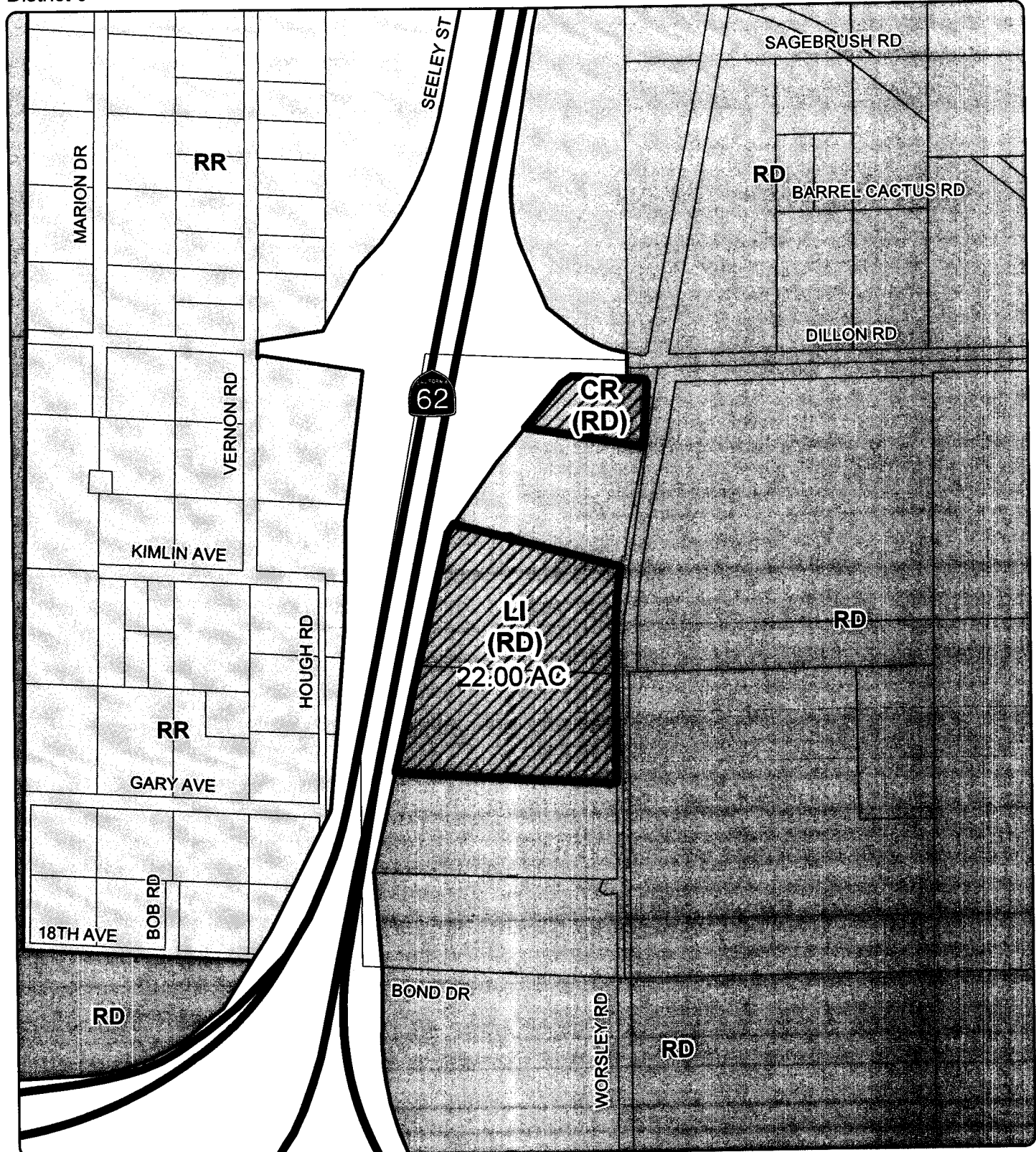
CZ07946 GPA01201 CUP180007 PPT180011 PPT180012

Supervisor: Hewitt
District 5

PROPOSED GENERAL PLAN

Date Drawn: 09/06/2019

Exhibit 6



Zoning Dist: Pass & Desert

Author: Vinnie Nguyen



DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different type of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951)955-3200 (Western County) or in Palm Desert at (760)863-8277 (Eastern County) or Website <http://planning.rcplma.org>



**PLANNING COMMISSION
MINUTE ORDER
OCTOBER 16, 2019**

I. AGENDA ITEM 4.1

GENERAL PLAN AMENDMENT NO. 1201, CHANGE OF ZONE NO. 7946, CONDITIONAL USE PERMIT NO. 180007, PLOT PLAN NO. 180011, and PLOT PLAN NO. 180012 – Intent to Adopt a Mitigated Negative Declaration – CEQ180035 – Applicant: VanDorpe-Bettencourt Family Properties – Engineer/Representative: Michael Napolitano – Fifth Supervisorial District – Area Plan: Western Coachella Valley Area Plan – Zoning Area/District: Pass and Desert District – General Plan: Rural: Rural Desert – Location: Southerly of Dillion Road, northerly of Interstate 10, easterly of Highway 62, and westerly of Worsley Road – 22.31 Gross Acres – Zoning: Controlled Development – W-2.

II. PROJECT DESCRIPTION:

The **General Plan Amendment No. 1201** (GPA1201) was initiated by the Board of Supervisors to amend the project sites (APN's: 668-200-018, 668-200-020 and 668-200-008) Gerteral Plan Foundation Component from Rural to Community Development and Land Use designations from Rural Desert to Light Industrial and Commercial Retail. The **Change of Zone No. 7946** (CZ07946) was submitted to change the zoning on the project site from W-2 (Controlled Development Areas) to C-P-S (Scenic Highway Commercial) on APN: 668-200-018, and from W-2 to IP (Industrial Park) on APN: 668-200-020 and 668-200-008. Three (3) Planning Entitlement applications have been submitted that would implement GPA1201 and CZ07946. The **Conditional Use Permit No. 180007** (CUP180007), APN: 668-200-018, an application to facilitate the establishment of a travel center. The proposed travel center includes: a gas station (approximately 2,400 sq. ft. convenience store with eight (8) fuel pumps under a 5,000 sq. ft. canopy), a car wash, and 5,600 sq. ft. drive-thru restaurant. The project would provide 110 parking spaces. **Plot Plan No. 180011** (PPT180011), APN: 668-200-020, an application to facilitate the construction of a light industrial development. The project proposes a total of seven (7) two-story buildings totaling approximately 106,850 sq. ft. The project also propose 36,000 sq. ft. of outdoor storage and staging area, and would provide 358 parking spaces. **Plot Plan No. 180012** (PPT180012), APN: 668-200-008, an application to facilitate the construction of a mini-warehouse development. The project proposes a total of 24, one-story buildings totaling approximately 133,450 sq. ft. The project also propose 49,400 sq. ft. of outdoor storage and would provide 16 parking spaces. In addition, an 1,800 sq. ft., two-story building including an administrative office and caretakers unit is also proposed.

III. MEETING SUMMARY:

The following staff presented the subject proposal:
Project Planner: Brett Dawson at (951) 955-0972 or email at bdawson@rivco.org.

Spoke in favor:

Phillip Bettencourt, Applicant, La Quinta, (949) 720-0970
Greg Sanders, Applicant's Representative, 18101 Von Karman Avenue Ste. 1800, Irvine, 92612
Ben Schirmer, Neighbor, 7130 Calle Mazamitla, Palm Springs, 92264

Spoke in opposition:

Fred Noble, Interested Party, 2045 Tahquitz Canyon Way, Palm Springs, 92262
Joan Taylor, Interested Party, Sierra Club, 1850 Smoke Tree Lane, Palm Springs, 92264

No one spoke in a neutral position.

IV. CONTROVERSIAL ISSUES:

None.

V. PLANNING COMMISSION ACTION:

Public Comments: Closed
Motion by Commissioner Kroencke, 2nd by Commissioner Sanchez
A vote of 4-0 (Commissioner Taylor-Berger Absent)

ADOPTED Planning Commission Resolution No. 2019-231; and



**PLANNING COMMISSION
MINUTE ORDER
OCTOBER 16, 2019**

The Planning Commission Recommend the Following Actions to the Board of Supervisors:

ADOPT Mitigated Negative Declaration for Environmental Assessment No. CEQ180035; and,

TENTATIVELY Approve General Plan Amendment No. 1201; and,

TENTATIVELY Approve Change of Zone No. 7946; and,

APPROVE Public Conveyance and Necessity Findings; and,

APPROVE Conditional Use Permit No. 180007; and,

APPROVE Plot Plan No. 180011; and,

APPROVE Plot Plan No. 180012, subject to the conditions of approval as modified at hearing.



**PLANNING COMMISSION
MINUTE ORDER
OCTOBER 16, 2019**

I. AGENDA ITEM 4.2

CHANGE OF ZONE NO. 1900020 – Exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)3 (General Rule) – Applicant: Carl Mauger – Engineer/Representative: Stefan Lanthier – Fifth Supervisorial District – Western Coachella Valley Area Plan (General Plan): Community Development: Light Industrial (CD-LI) – Pass & Desert District Zoning Area – Zoning: Controlled Development Areas (W-2) – Location: Northerly of Dillion Road, easterly of N. Indian Canyon Drive, southerly of 16th Avenue, and westerly of Little Morongo Road – Area: 2.42 Acres.

II. PROJECT DESCRIPTION:

The proposal is to change the existing zoning classification of approximately 2.42 acres from W-2 (Controlled Development Area) to M-SC (Manufacture Service Commercial) to be consistent with the existing General Plan designation. APN's 666-190-004 and 666-190-006.

III. MEETING SUMMARY:

The following staff presented the subject proposal:

Project Planner: Travis Engelking at phone (951) 955-1417 or email at TEngelki@rivco.org.

No one spoke in favor, opposition, or in a neutral position.

Spoke in opposition:

Spoke in a neutral position:

IV. CONTROVERSIAL ISSUES:

None.

V. PLANNING COMMISSION ACTION:

Public Comments: Closed

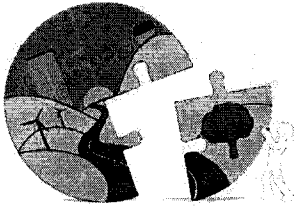
Motion by Commissioner Kroencke, 2nd by Commissioner Hake

A vote of 4-0 (Commissioner Taylor-Berger Absent)

The Planning Commission Recommend the Following Actions to the Board of Supervisors:

FIND the project exempt from the California Environmental Quality Act (CEQA); and,

TENTATIVELY Approve Change of Zone No. 1900020.



RIVERSIDE COUNTY
PLANNING DEPARTMENT

Charissa Leach
Assistant TLMA Director

Memorandum

To: Board of Supervisors

From: Brett Dawson, Project Planner, Planning Department

RE: Revised Conditions of Approval per the Planning Commission's recommendations.

PPT180011

80- Roof Mounted Equipment

Roof mounted equipment shall be shielded from ground view. Screening material shall be subject to Planning Department approval. Include architecture with articulation or a long parapet that screens equipment from Highway 62.

PPT180012

80- Wall Elevations

A plan showing a wall design for the westerly elevation, that includes elevations shall be submitted to the Planning Department for approval. The elevations shall show that the wall has articulation and includes pilasters every 100 feet.

80- Roof Mounted Equipment

Roof mounted equipment shall be shielded from ground view. Screening material shall be subject to Planning Department approval. Include architecture with articulation or a long parapet that screens equipment from Highway 62.

CUP180007

80-Roof Mounted Equipment

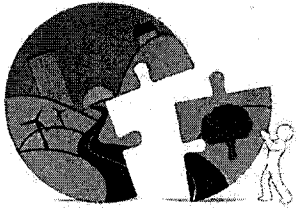
Roof mounted equipment shall be shielded from ground view. Screening material shall be subject to Planning Department approval. Include architecture with articulation or a long parapet that screens equipment from Highway 62.

80-Revised Elevations

Provide elevations to the Planning Department showing increased articulation per the Planning Commission's recommendations.

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RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.
Assistant TLMA Director

Memorandum

Date: November 25, 2019

To: Riverside County Board of Supervisors

From: Jason Killebrew, Principal Planner

RE: December 10, 2019 Board of Supervisors Meeting - Response to October 16, 2019 Vanst Law Letter for Van-Dorpe Bettencourt Property (GPA01201, CZ07946, PPT180011, PPT180012 and CUP180007)

This Memo provides the Planning Departments response to an October 16, 2019 letter submitted at the October 16, 2019 Planning Commission Hearing by Vanst Law. The letter was submitted on behalf of Wintec Energy, Ltd., ("Wintect") in opposition to the proposed project (GPA01201, CZ07946, PPT180011, PPT180012 and CUP180007) considered as Agenda Item 4.1 and the October 16, 2019 Planning Commission Hearing. The Planning Commission, with a 5-0 vote, recommended that the Board of Supervisors approve the project. The County's responses to the letter are summarized below:

Vanst Law

Failure to Provide Clear Adequate Notice of Intent to Adopt the Mitigated Negative Declaration ("MND")

The staff report indicates the MND was "routed to the State Clearinghouse on September 5, 2019 with a public review period from September 11, 2019 to October 11, 2019." Staff Report, p. 8. The MND was not included in the documents submitted to the State Clearinghouse, however. See project documents posted on the State Clearinghouse, available at <https://ceqanet.opr.ca.gov/2019099015/2>. Indeed, it could not have been, as the MND attached to the Staff Report is dated September 17, 2019, and the Project documents were submitted to the State Clearinghouse on September 5, 2019. Moreover, the Notice of Completion filed with the State Clearinghouse states, confusingly, that the local public review period was from September 12, 2019 to September 11, 2019, whereas the required review period was thirty days. Pub. Res. Code § 21091(b). Absent clear notice, the public has been denied a meaningful opportunity to review and comment on the MND.

In addition, the County must provide notice of its intent to adopt the MND for the Project with the office of the County Clerk. Pub. Res. Code § 21092.3; CEQA Guidelines § 15072(a), (d). As of October 14, 2019, the County has not noticed the County's intent to adopt a mitigated negative declaration on the County Clerk's website. While there is a reference to a filing by Project Applicant, Van Dorpe-Bettencourt Family Properties, it provides no notice of an intent to adopt a mitigated negative declaration. Instead, the "document type" listed is "Clerk Fish and Game Filings" and there is no document attached. See Filing Number E-201901020, available at

<https://webservices.riversideacr.com/Web/document/DOC1886S2340?search=DOCSEARCH313S9>.

County Response:

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The project was routed to the State Clearinghouse with all supporting documents on September 5, 2019 (SCH2019099015). The project was received by the State Clearinghouse and posted on September 9, 2019. The 30-day review period started on September 9, 2019 as indicated on the State Clearinghouse website: <https://ceqanet.opr.ca.gov/2019099015/2>, however, the County was open to receiving any comments up until the October 16, 2019. The Initial Study posted on the State Clearinghouse website, is dated September 5, 2019 and was available for review during the above-mentioned review period. No comments on the Initial Study/Mitigated Negative Declaration were received by the County from September 9, 2019 to October 11, 2019.

In addition to the State Clearinghouse Posting, the project, and MND were noticed in the Desert Sun and Press Enterprise Newspapers, and mailed notices were sent to property owners, including Wintect, within 2,400 feet of the project site.

The project meets all the requirements identified in State CEQA Guidelines § 15073 (Public Review of a Proposed Negative Declaration or Mitigated Negative Declaration).

The project Planner, Brett Dawson, signed the initial study that was available for public review, which was posted on the State Clearinghouse Website on September 5, 2019. In preparing the project for the October 16, 2019 Planning Commission Hearing, Brett reprinted the Initial study to be included in the final staff report package. In this effort, Brett, unintentionally signed the date, September 17, 2019, of the re-printed report for the staff report package. This was an oversight that does not conflict with the required noticing identified by CEQA and satisfied as previously mentioned above.

The Notice of Intent was filed with the Riverside County Clerk on September 11, 2019 in excess of the 20-day posting requirement identified in the State CEQA Guidelines § 15072. In addition, since the Planning Commission does not have approval authority of this project, and provided only a recommendation to the Board of Supervisors for a future public hearing. The project will be re-noticed for this meeting where the Notice of Intent to Adopt a Mitigated Negative Declaration will be filed again with the Riverside County Clerk. Brett will provide this notice to Wintect based on interest and once the project has been scheduled for the Board of Supervisor's Public Hearing in addition to Wintec's property owner noticing.

Vanst Law

Failure to Comply with CEQA Notice Requirements is Prejudicial

To ensure public notice and an opportunity to review, CEQA has strict noticing requirements for a negative declaration. The failure to comply with the information disclosure requirements of CEQA and prevent relevant information from being available to the public may constitute a prejudicial abuse of discretion. Pub. Res. Code § 21005. Here, the County failed to submit the actual MND to the State Clearinghouse and did not provide notice of intent to adopt the MND on the County Clerk's website. This was a prejudicial abuse of discretion. See, e.g., *Ultramar, Inc. v. S. Coast Air Quality Mgmt. Dist.*, 17 Cal. App. 4th 689, 702 (1993) (prejudicial abuse of discretion where the notice of environmental assessment did not provide the complete environmental assessment during the entire review period). Therefore, the County must (1) provide notice with the County Clerk of its intent to adopt the MND; (2) provide the actual MND to the State Clearinghouse; and (3) provide a minimum 30-day public review and comment period after the County provides makes the MND available to the State Clearinghouse.

County Response

See previous statement above. The Commenter's statements are inaccurate. Noticing was provide to the public in compliance with the Public Resources Code section 21092 and State CEQA Guidelines section 15072. The project was noticed in two different newspapers of general circulation covering the area affected by the project and noticing was mailed to surrounding property owners contiguous to the project site. Compliance with any one of the three noticing requirements is sufficient under CEQA. See *California Aviation Council v. County of Amador* (1988) 200 Cal.App.3d 337. Moreover, as discussed prior, the notice of intent was filed with the County Clerk's office and such notice was posted for at least 20 days pursuant to State CEQA Guidelines section 15072. Lastly, the notice with the applicable documents was routed to the State Clearinghouse as required under CEQA. As such, it is the State Clearinghouse that forwards all documents to the applicable state agencies (all responsible

and trustee agencies were determined to by state agencies). There is no prejudicial error in regards to noticing or public review of the documents.

The case cited by the Commenter - *Ultramar, Inc. v. S. Coast Air Quality Mgmt. Dist.*, 17 Cal. App. 4th 689, 702 – focused more on the failure of the lead agency to circulate the cumulative impacts section as opposed to a failure of noticing. Regardless, noncompliance with procedural requirements under CEQA have been found to be prejudicial when the failure to comply thwarted CEQA's objectives related to the ability of other agencies and the public to review and provide appropriate comments. However, as discussed above, that is not the case and the County has fulfilled its requirements under CEQA. Procedural violations have been found to be nonprejudicial under Public Resources Code section 21005 when the error did not interfere with CEQA's public participation and information disclosure objectives. See *San Francisco Baykeeper, Inc. v. State Lands Commission* (2015) 242 Cal.App.4th 202 [the failure to consult with potentially affected public agencies was not a prejudicial error as there was no valid showing that the violation would result in any omission of relevant analysis].

Vanst Law

The Project Is Incompatible with the County's Land Use Plans

CEQA Guidelines section 15063(d)(5) requires an initial study to include "[a]n examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls." The Project IS/MND finds it will not result in a substantial alteration of the present or planned land use of an area yet does not provide substantial evidence to support this assertion. In fact, the related plans demonstrate the opposite is true.

The future logical development of the surrounding area is wind and other renewable energy. This is reflected by the San Gorgonio Pass Wind Energy Area ("SGPWEA") overlay for this Project site. Pursuant to the County's Western Coachella Valley Area Plan ("WCVAP"), "[t]he San Gorgonio Pass Wind Energy Area is considered to be one of the best areas in the nation for the development of wind energy." WCVAP, p. 27. The purpose in designating the San Gorgonio Pass Wind Energy Policy Area was to foster the growth of renewable energy and limit neighboring uses inhibiting renewable energy. "The WCVAP is not a stand-alone document, but rather an extension of the General Plan and Vision Statement. WCVAP, p. 1.

WCVAP 2.6 allows for "**Limited** industrial and commercial uses" in this area (Emphasis added). The substantial evidence demonstrates the Project proposes almost 250,000 square feet of industrial use, in addition to approximately 20,000 square feet of retail use. The IS/MND does not address how this is a limited use. The Project is inconsistent with the WVCAP, but the IS/MND does not discuss the inconsistency, which is required under CEQA. CEQA Guidelines § 15125(d). See also, *Napa Citizens for Honest Government et al. v. Napa Bd of Supervisors* (2001) 91 Cal.App.4th 342 (noting a project may be inconsistent but compatible, which is acceptable under CEQA if the local agency discusses the incompatibility in the environmental document).

The Project is also inconsistent with the County Climate Action Plan ("CAP"). The CAP requires on-site renewable energy for new buildings exceeding 100,000 square feet. County of Riverside Climate Action Plan, p.4-14 (July 17, 2018). The Project proposes two storage facilities, each exceeding 100,000 square feet, but the Project does not purport to include an on-site renewable energy source and the IS/MND does not explain this conflict.

In addition to the above inconsistencies, General Plan policy LU 16.9 prohibits residential uses within 3,000 feet of wind turbines when there are more than ten in a wind turbine development. The Project description identifies a residence on Worsley road, directly across from approximately thirty wind turbines. Nothing in the record indicates the planned residence is far enough away from the adjacent wind farm to comply with the General Plan.

If substantial evidence supports the Project conflicts with the policies of the General Plan, a fair argument can be made such an impact is significant and requires preparation of an Environmental Impact Report. See *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 923 (finding project's inconsistency with local planned development ordinance supported fair argument of significant environmental effect).

County Response

The comments raised are inaccurate. The Western Coachella Valley Area Plan (WCVAP) contain General Plan policies that guide the physical development and land uses and land uses in the unincorporated General Plan. The General Plan Foundation Amendment was initiated by the Board of Supervisors to allow the sites General Plan Foundation Component to change to Community Development, supporting the land use designations of Light Industrial and Commercial Retail. The proposed project, as demonstrated in the staff report is consistent with these land use designations and further supported by the allowance of commercial and industrial uses in the WCVAP.

The WCVAP includes the San Gorgonio Pass Wind Energy Policy Area. The subject site is located within this policy area. The San Gorgonio Pass Wind Energy Policy Area was created to assess the wind energy development in the area. These are policies to ensure the siting of wind energy facilities does not result in impacts to the environment and the general community, and does not apply to specific projects that are not proposing wind energy systems. The San Gorgonio Pass Wind Energy Policy Area does not preclude, nor *prohibit* non-wind energy uses. Therefore, since no wind energy is being proposed, the San Gorgonio Pass Wind Energy Policy Area's policies as mentioned below, including WCVAP 2.6, would not apply and no inconsistency actually occurs.

- WCVAP 2.1 Require that wind turbines address through appropriate design the Pacific Crest Trail alignment.
- WCVAP 2.2 Continue to require wind energy development to contribute a fair-share to the Wind Implementation Monitoring Program (WIMP) prior to construction of wind turbines.
- WCVAP 2.3 Except in the area designated Public Facilities on Edom Hill, prohibit the placement of commercial wind turbine arrays east of Indian Avenue, north of Pierson Boulevard, and south of Highway 111.
- WCVAP 2.4 Require proposed wind energy development to address significant impacts caused by wind turbine wake effects upon existing and approved downwind wind turbines.
- WCVAP 2.5 Prohibit the location of wind turbines within the Santa Rosa and San Jacinto Mountains National Monument.
- WCVAP 2.6 Other renewable resources such as solar generators, energy storage, distributed generation and cogeneration should complement wind energy uses. Limited industrial and commercial uses, serviced by alternative energy, where appropriate and consistent with existing residential uses should develop within portions of existing and future wind parks.

The Riverside County Climate Action Plan, Chapter 4 (GHG Emissions Reduction Programs and Regulations), Measure R2-E10 (On-site Renewable Energy Production Requirements for New Land Use Development Projects) requires on-site renewable energy production (including but not limited to solar), as otherwise limited in section a.- i. of this measure R2-E10, shall be required for any tentative tract map, plot plan, or conditional use permit that proposes to add more than 75 new dwelling units of residential development, or one or more new buildings totaling more than 100,000 gross square feet of commercial, office, industrial, or manufacturing development. The requirements of this measure R2-E10 shall apply only to applications submitted 45 days or more after County's final action amending the CAP to include these requirements approved by the Board on July 17, 2018. Conditional Use Permit No. 180007 (CUP180007) does not propose commercial buildings totaling 100,000 square feet or more, and thus would not trigger Measure R2-E10 requirements. Plot Plan No. 180011 (PPT180011) and Plot Plan No. 180012 (PPT180012) propose commercial, industrial, and office buildings in excess of 100,000 square feet. Although, these plot plans propose development in excess of 100,000 square foot, these applications were submitted on April 9, 2018, prior to the 45 days following July 17, 2018 and thus, not subject to the requirements of measure R2-E10.

Ordinance No. 348, Article X (Industrial Park Zone), Section 10.1.2 (Uses Permitted), under Service and Commercial uses, allows one-family dwellings on the same parcel as the industrial or commercial use provided

such dwellings are occupied exclusively by the proprietor or caretaker or the use and their immediate families. PPT180011 and PPT180012 propose caretaker uses as part of both proposals. These uses are accessory to the industrial and commercial uses consistent with Section 10.1.2. The proposed caretaker uses, under Ordinance No. 348, are not classified nor considered residential uses, and thus are not subject policy L.U. 16.9.

Vanst Law

County's Greenhouse Gas Analysis Does Not Comply With CEQA

The IS/MND states the Project will produce 4,031.79 MT of Greenhouse Gas ("GHG"). The County of Riverside's Climate Action Plan ("CAP") establishes a significance threshold of 3,000 MT; thus, the Project's GHG emissions exceed the significance threshold and should be identified as significant. Inconsistently, the IS/MND finds the Project's GHG will have a less than significant impact on the environment.

The IS/MND states the Project will incorporate design features to achieve the necessary points required to rely on the CAP's prior environmental analysis and mitigation. This analysis is inadequate. The Project proposes a re-zone and re-designation of use but the IS/MND provides no discussion regarding how this Project's impacts—different than those planned at the approval of the CAP—are contemplated by the CAP. That is, the CAP contains a baseline GHG inventory from 2008. County of Riverside Climate Action Plan, p. 2-2. The baseline is determined by the emissions of existing and projected uses for Riverside County in 2008. Presumably, the projected uses are based upon the growth anticipated by the general plan and various specific plans. If a re-zone and re-designation of use occur, it is not clear if or how that projection was included in the CAP baseline inventory. The IS/MND should explain how a re-zone is contemplated in the CAP and assure the public that by incorporating the design features listed, the Project will keep GHG reductions on track in compliance with the CAP.

In addition, the listed project design features for GHG emission reduction fail as appropriate mitigation under CEQA. CEQA requires any mitigation measure to be enforceable through a plan or permit.

A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or, in the case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.

CEQA Guidelines § 21081.6(b); *see also* CEQA Guidelines § 15126.4(a)(2). The staff report and the IS/MND provide no indication of how the County will enforce the project design features created to reduce the Project's GHG impacts. There is no condition of approval incorporating them. Without the enforceable mitigation, the Project's GHG impacts are significant and unmitigated, requiring analysis in an Environmental Impact Report, not a mitigated negative declaration. CEQA Guidelines § 15063(b).

County Response

Consistent with the State CEQA Guidelines, the proposed project's significance with respect to GHG emissions is evaluated based on its consistency with the County of Riverside Climate Action Plan (CAP), which is considered a qualified CAP. The County revised its CAP in July 2018 to establish goals and policies to ensure that the impact of development on air quality is minimized, energy is conserved, and land use decisions made by the County and all internal operations within the County are consistent with adopted state legislation. Notably, the CAP sets County-wide GHG emissions targets consistent with state reduction goals in Assembly Bill 32 (AB 32).

The CAP includes a series of implementation measures that may be used by new development proposals to demonstrate consistency with the CAP and by extension, AB 32. Specifically, the CAP includes screening tables that measure the reduction of greenhouse gas emissions attributable to certain design and construction measures incorporated into development projects. Accordingly, the Screening Table assigns points for each option incorporated into a project as a project design feature, where a proposed project that garners at least 100 points will be consistent with the reduction quantities anticipated in the County's CAP, and a "less than significant"

finding can be made under CEQA. As such, any projects that garner a total of 100 points or greater would not require quantification of project specific GHG emissions.

The County's CAP encourages the implementation of realistic sustainable design strategies into the project design, which would reduce GHG emissions. As shown in the County's CAP Screening Table (Appendix A1), sustainable design strategies that may be utilized in the proposed project would include the following:

- E5.A.1: Install enhanced insulation (walls R-13, roof/attic, R-38);
- E5.A.2: Install modestly enhanced window insulation (5% > Title 24);
- E5.A.3: Install enhanced cool roof (CRRC Rated 0.2 aged solar reflectance, 0.75 thermal emittance);
- E5.B.1: Install modest duct insulation (R-6);
- E5.B.2: Install improved efficiency heating, ventilating, and air conditioning (HVAC) (SEER 14/65% AFUE or 8 HSPF);
- E5.B.4: Install high efficiency water heater (0.72 Energy Factor);
- E5.B.6: Install efficient lights (25% of in-unit fixtures considered high efficacy, defined as 40 lumens/watt for 15 watt or less fixtures, or 50 lumens/watt for 15-40 watt);
- W1.C.1: Eliminate conventional turf from landscaping;
- W1.C.2: Install weather based irrigation control systems or moisture sensors (demonstrate 20% reduced water use);
- W1.D.2 and W1.D.3: Install water efficient toilets/urinals (1.5 gallons per minute (gpm)) and faucets (1.28 gpm);
- W2.A.1: Install recycled water (purple pipe) irrigation system on site;
- T1.A.3: Complete sidewalk around project site and provide bike lockers and secure racks;
- T4.A.1: Provide reserved preferential parking spaces for car-share, carpool, and ultra-low or zero emission vehicles;
- T7.B.1: Install electric vehicle charging stations in garages/parking areas, consistent with CALGreen code;
- T8.A.1: Idling of all commercial vehicles is restricted to 5-minutes or less per trip on-site and at loading docks;
- SW1.B.1: Provide separated recycling bins within each commercial building/floor and provide large external recycling collection bins at central location for collection truck pickup; and
- SW2.B.1: Recycle 20 percent of construction debris.

With the implementation of the above project design features, which are detailed within the project's EA/MND, the project would garner 116 points, which exceeds the minimum 100 point requirement to demonstrate consistency with the County's CAP and the goals and strategies of the state regulations aimed at reducing GHG emissions from land use development. Compliance with the CAP is a requirement of any project with emissions above 3,000 MTCO_{2e}, and compliance with a required regulation is not per se a required mitigation measure.

Vanst Law

Insufficient Findings for an Extraordinary General Plan Foundation Component Amendment

The proposed General Plan Amendment No. 1201 for the Project was initiated by the Board of Supervisors on April 11, 2017. Thus, it is an Extraordinary General Plan Foundation Component Amendment because it was not initiated during the most recent eight-year general plan review cycle from January 2016 to December 2016. Riverside County Ordinance ("RCO") 348, § 2.5.B-C, § 2.6.B. Under RCO 348, Section 2.6.F, any Planning Commission resolution recommending approval of an Extraordinary General Plan Foundation Component Amendment must include the following two findings:

1. The foundation change is based on substantial evidence that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Vision, and that they would not create an internal inconsistency among the elements of the General Plan.

2. A condition exists, or an event has occurred that is unusually compelling and can only be rectified by making changes in the current Riverside County Vision, General Planning Principles set forth in General Plan Appendix B, or Foundation Component.

In addition, the resolution must include at least one of the following additional findings listed in RCO 348, Section 2.6.F:

3. An unconstitutional taking of property might occur without the amendment, and the amendment alters the General Plan Foundation Component only to the extent necessary to avoid the potential taking.
4. A natural or man-made disaster or public emergency has occurred that warrants a change in General Plan Foundation Component designations in order to protect the public health, safety or welfare.
5. A Foundation Component Amendment is required to conform to changes in State or Federal law, or applicable findings of a court of law.
6. An amendment is required to comply with an update of the Housing Element or change in State Housing Element law.
7. A Foundation Component Amendment is required to significantly expand basic structural employment (such as industrial, agricultural processing, and research and development), excluding retail, service commercial, warehousing, and residential uses not ancillary to the primary employment use.
8. A Foundation Component change is necessary to facilitate implementation of open space or transportation corridor designations arising from the adopted MSHCP or Community Environmental Transportation Acceptability Program (CETAP) programs that could not be accomplished by a lesser change in the General Plan.

Only the first required finding is included in the staff report as finding 5, which refers to the single finding required for a Regular Foundation Component General Plan Amendment. Staff Report at p. 11. The Staff Report (and proposed Planning Commission Resolution) entirely omit the second and third findings required for an Extraordinary General Plan Foundation Component Amendment. Without the additional findings, the record contains insufficient evidence for the Planning Commission to approve General Plan Amendment No. 1201.

County Response

The commenter is inaccurate. Ordinance No. 348, Section 2.6 (General Plan Foundation Component Amendments – Extraordinary) applies to application processing of any Foundation Component Amendment not occurring during the Eight-Year General Plan Review Cycle. In this case GPA1201 was initiated by the Board of Supervisors on April 11, 2017, within the 2016 General Plan Review Cycle. Therefore, the findings as identified under Section 2.6 do not apply.

Vanst Law

The County May Have Exceeded Four General Plan Amendments in Violation of State Law

State law prohibits Riverside County from exceeding four amendments to each mandatory element of its general plan in one year. Ca. Gov. Code § 65358(b). A search of the Riverside County Board of Supervisors 2019 agendas indicate general plan amendments were docketed on January 8, January 29, March 19 and September 17. It is not clear whether each general plan amendment was approved. If they were all approved, this Project's general plan amendment is prohibited until 2020.

County Response

Simply put, the County has not exceeded General Plan Land Use Element Adoption cycles limited by State law to four times, for the 2019 calendar year. As such, this comment is not relative to the processing of the proposed project.

In conclusion, the County has responded to all of the questions raised in the October 16, 2019 letter. The County considers all questions resolved and will move forward with the Planning Commission's recommendation to the December 10, 2019 Board of Supervisor's Meeting.

October 16, 2019

Via E-mail (CLeach@rivco.org)

Charissa Leach
Assistant Director
County of Riverside Transportation & Land Management Agency
4080 Lemon Street, 12th Floor
Riverside, CA 92502-1629

RE: Agenda Item 4.1-Riverside County Planning Commission Agenda, October 16, 2019
Van Dorpe-Bettencourt Property (GPA 01201, CZ07946, PPT 180011, PPT 18002 & CUP
180007)

Dear Ms. Leach,

This letter is submitted on behalf of Wintec Energy, Ltd., (“Wintec”) in opposition to the proposed GPA 01201, CZ07946, PPT 180011, PPT 18002 & CUP 180007 (“Project”) agendized on Riverside County’s October 16, 2019, Planning Commission Agenda. Wintec is the adjacent property owner to the Project. Both properties are located in Riverside County (“County”) within the San Gorgonio Pass Wind Energy Policy Area, an area considered to be one of the best in the nation for the development of wind energy. Wintec wants to ensure the long-term viability of renewable wind and alternative energy in the area.

A review of the Initial Study/Mitigated Negative Declaration (“IS/MND”) reveals the IS/MND has not been prepared in accordance with the California Environmental Quality Act of 1970 (“CEQA”). Specifically, the County failed to fulfill all noticing requirements under CEQA; the IS/MND does not analyze the Project’s conflicts with the County of Riverside’s General Plan; the IS/MND fails to analyze adequately the project’s greenhouse gas impacts; and the County may have exceeded the statutory limit for general plan amendments. These issues are addressed more fully as follows:

Failure to Provide Clear Adequate Notice of Intent to Adopt the Mitigated Negative Declaration (“MND”)

The staff report indicates the MND was “routed to the State Clearinghouse on September 5, 2019 with a public review period from September 11, 2019 to October 11, 2019.” Staff Report, p. 8. The MND was not included in the documents submitted to the State Clearinghouse, however. See project documents posted on the State Clearinghouse, *available at* <https://ceqanet.opr.ca.gov/2019099015/2>. Indeed, it could not have been, as the MND attached to the Staff Report is dated September 17, 2019, and the Project documents were submitted to the State Clearinghouse on September 5, 2019. Moreover, the Notice of Completion filed with the State Clearinghouse states, confusingly, that the local public review period was from September

12, 2019 to September 11, 2019, whereas the required review period was thirty days. Pub. Res. Code § 21091(b). Absent clear notice, the public has been denied a meaningful opportunity to review and comment on the MND.

In addition, the County must provide notice of its intent to adopt the MND for the Project with the office of the County Clerk. Pub. Res. Code § 21092.3; CEQA Guidelines § 15072(a), (d). As of October 14, 2019, the County has not noticed the County's intent to adopt a mitigate negative declaration on the County Clerk's website. While there is a reference to a filing by Project Applicant, Van Dorpe-Bettencourt Family Properties, it provides no notice of an intent to adopt a mitigated negative declaration. Instead, the "document type" listed is "Clerk Fish and Game Filings" and there is no document attached. *See* Filing Number E-201901020, *available at*

<https://webservice.riversideacr.com/Web/document/DOC1886S2340?search=DOCSEARCH313S9>.

Failure to Comply with CEQA Notice Requirements is Prejudicial

To ensure public notice and an opportunity to review, CEQA has strict noticing requirements for a negative declaration. The failure to comply with the information disclosure requirements of CEQA and prevent relevant information from being available to the public may constitute a prejudicial abuse of discretion. Pub. Res. Code § 21005. Here, the County failed to submit the actual MND to the State Clearinghouse and did not provide notice of intent to adopt the MND on the County Clerk's website. This was a prejudicial abuse of discretion. *See, e.g., Ultramar, Inc. v. S. Coast Air Quality Mgmt. Dist.*, 17 Cal. App. 4th 689, 702 (1993) (prejudicial abuse of discretion where the notice of environmental assessment did not provide the complete environmental assessment during the entire review period). Therefore, the County must (1) provide notice with the County Clerk of its intent to adopt the MND; (2) provide the actual MND to the State Clearinghouse; and (3) provide a minimum 30-day public review and comment period after the County provides makes the MND available to the State Clearinghouse.

The Project Is Incompatible with the County's Land Use Plans

CEQA Guidelines section 15063(d)(5) requires an initial study to include "[a]n examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls." The Project IS/MND finds it will not result in a substantial alteration of the present or planned land use of an area yet does not provide substantial evidence to support this assertion. In fact, the related plans demonstrate the opposite is true.

The future logical development of the surrounding area is wind and other renewable energy. This is reflected by the San Gorgonio Pass Wind Energy Area ("SGPWEA") overlay for this Project site. Pursuant to the County's Western Coachella Valley Area Plan ("WCFAP"), "[t]he

San Gorgonio Pass Wind Energy Area is considered to be one of the best areas in the nation for the development of wind energy.” WCVAP, p. 27. The purpose in designating the San Gorgonio Pass Wind Energy Policy Area was to foster the growth of renewable energy and limit neighboring uses inhibiting renewable energy. “The WCVAP is not a stand-alone document, but rather an extension of the General Plan and Vision Statement. WCVAP, p. 1.

WCVAP 2.6 allows for “*Limited* industrial and commercial uses” in this area (Emphasis added). The substantial evidence demonstrates the Project proposes almost 250,000 square feet of industrial use, in addition to approximately 20,000 square feet of retail use. The IS/MND does not address how this is a limited use. The Project is inconsistent with the WVCAP, but the IS/MND does not discuss the inconsistency, which is required under CEQA. CEQA Guidelines § 15125(d). *See also, Napa Citizens for Honest Government et al. v. Napa Bd of Supervisors* (2001) 91 Cal.App.4th 342 (noting a project may be inconsistent but compatible, which is acceptable under CEQA if the local agency discusses the incompatibility in the environmental document).

The Project is also inconsistent with the County Climate Action Plan (“CAP”). The CAP requires on-site renewable energy for new buildings exceeding 100,000 square feet. County of Riverside Climate Action Plan, p.4-14 (July 17, 2018). The Project proposes two storage facilities, each exceeding 100,000 square feet, but the Project does not purport to include an on-site renewable energy source and the IS/MND does not explain this conflict.

In addition to the above inconsistencies, General Plan policy LU 16.9 prohibits residential uses within 3,000 feet of wind turbines when there are more than ten in a wind turbine development. The Project description identifies a residence on Worsley road, directly across from approximately thirty wind turbines. Nothing in the record indicates the planned residence is far enough away from the adjacent wind farm to comply with the General Plan.

If substantial evidence supports the Project conflicts with the policies of the General Plan, a fair argument can be made such an impact is significant and requires preparation of an Environmental Impact Report. *See Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 923 (finding project’s inconsistency with local planned development ordinance supported fair argument of significant environmental effect).

County’s Greenhouse Gas Analysis Does Not Comply With CEQA

The IS/MND states the Project will produce 4,031.79 MT of Greenhouse Gas (“GHG”). The County of Riverside’s Climate Action Plan (“CAP”) establishes a significance threshold of 3,000 MT; thus, the Project’s GHG emissions exceed the significance threshold and should be identified as significant. Inconsistently, the IS/MND finds the Project’s GHG will have a less than significant impact on the environment.

The IS/MND states the Project will incorporate design features to achieve the necessary points required to rely on the CAP's prior environmental analysis and mitigation. This analysis is inadequate. The Project proposes a re-zone and re-designation of use but the IS/MND provides no discussion regarding how this Project's impacts—different than those planned at the approval of the CAP—are contemplated by the CAP. That is, the CAP contains a baseline GHG inventory from 2008. County of Riverside Climate Action Plan, p. 2-2. The baseline is determined by the emissions of existing and projected uses for Riverside County in 2008. Presumably, the projected uses are based upon the growth anticipated by the general plan and various specific plans. If a re-zone and re-designation of use occur, it is not clear if or how that projection was included in the CAP baseline inventory.¹ The IS/MND should explain how a re-zone is contemplated in the CAP and assure the public that by incorporating the design features listed, the Project will keep GHG reductions on track in compliance with the CAP.

In addition, the listed project design features for GHG emission reduction fail as appropriate mitigation under CEQA. CEQA requires any mitigation measure to be enforceable through a plan or permit.

A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or, in the case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.

CEQA Guidelines § 21081.6(b); *see also* CEQA Guidelines § 15126.4(a)(2). The staff report and the IS/MND provide no indication of how the County will enforce the project design features created to reduce the Project's GHG impacts. There is no condition of approval incorporating them. Without the enforceable mitigation, the Project's GHG impacts are significant and unmitigated, requiring analysis in an Environmental Impact Report, not a mitigated negative declaration. CEQA Guidelines § 15063(b).

¹ For example only, if at the time of the baseline calculation, a parcel is zoned as a single residential lot, imagine that use is calculated to emit "X" MT of GHG per year. The CAP calculation uses that amount to determine how much GHG must be reduced by 2020 and 2035. If, however, that residential lot is re-zoned to a multiple dwelling use and the number of residents increases by twenty, the GHG emissions may then be calculated to be X(20). This increase will affect what reductions are necessary to achieve the CAP goals. It is not clear from the County's analysis of this Project whether this increase was contemplated in the CAP projections and therefore it is unclear whether the proposed reductions will properly reduce emissions to those required by the CAP.

Insufficient Findings for an Extraordinary General Plan Foundation Component Amendment

The proposed General Plan Amendment No. 1201 for the Project was initiated by the Board of Supervisors on April 11, 2017. Thus, it is an Extraordinary General Plan Foundation Component Amendment because it was not initiated during the most recent eight-year general plan review cycle from January 2016 to December 2016. Riverside County Ordinance (“RCO”) 348, § 2.5.B-C, § 2.6.B. Under RCO 348, Section 2.6.F, any Planning Commission resolution recommending approval of an Extraordinary General Plan Foundation Component Amendment must include the following two findings:

1. The foundation change is based on substantial evidence that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Vision, and that they would not create an internal inconsistency among the elements of the General Plan.
2. A condition exists, or an event has occurred that is unusually compelling and can only be rectified by making changes in the current Riverside County Vision, General Planning Principles set forth in General Plan Appendix B, or Foundation Component.

In addition, the resolution must include at least one of the following additional findings listed in RCO 348, Section 2.6.F:

3. An unconstitutional taking of property might occur without the amendment, and the amendment alters the General Plan Foundation Component only to the extent necessary to avoid the potential taking.
4. A natural or man-made disaster or public emergency has occurred that warrants a change in General Plan Foundation Component designations in order to protect the public health, safety or welfare.
5. A Foundation Component Amendment is required to conform to changes in State or Federal law, or applicable findings of a court of law.
6. An amendment is required to comply with an update of the Housing Element or change in State Housing Element law.
7. A Foundation Component Amendment is required to significantly expand basic structural employment (such as industrial, agricultural processing, and research and development), excluding retail, service commercial, warehousing, and residential uses not ancillary to the primary employment use.

8. A Foundation Component change is necessary to facilitate implementation of open space or transportation corridor designations arising from the adopted MSHCP or Community Environmental Transportation Acceptability Program (CETAP) programs that could not be accomplished by a lesser change in the General Plan.

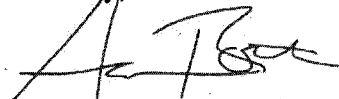
Only the first required finding is included in the staff report as finding 5, which refers to the single finding required for a Regular Foundation Component General Plan Amendment. Staff Report at p. 11. The Staff Report (and proposed Planning Commission Resolution) entirely omit the second and third findings required for an Extraordinary General Plan Foundation Component Amendment. Without the additional findings, the record contains insufficient evidence for the Planning Commission to approve General Plan Amendment No. 1201.

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In conclusion, Wintec respectfully requests the Planning Commission either deny the recommended actions or continue the matter until the above irregularities can be resolved.

Sincerely,



Andrea Contreras Rosati
Partner, Vanst Law

cc: Brett Dawson (bdawson@rivco.org)
Elizabeth Sarabia (esarabia@rivco.org)
Frederick W. Noble (fwnoble@wintecenergy.com)



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I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

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Date: November 27, 2019
At: Riverside, California



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NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON CONDITIONAL USE PERMIT, PLOT PLANS, GENERAL PLAN AMENDMENT, CHANGE OF ZONE, AND MITIGATED NEGATIVE DECLARATION IN THE SAN GORGONIO PASS WIND ENERGY POLICY AREA, FIFTH SUPERVISORIAL DISTRICT

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, December 10, 2019 at 10:00 A.M.** or as soon as possible thereafter, to consider the Planning Commission's recommended approval on **General Plan Amendment No. 1201**, which amends the project sites General Plan Foundation Component from Rural to Community Development and Land Use designations from Rural Desert to Light Industrial and Commercial Retail. **Change of Zone No. 7946**, which changes the zoning on the project site from Controlled Development Areas to Scenic Highway Commercial and from Controlled Development Areas to Industrial Park. **Conditional Use Permit No. 180007**, which facilitates the establishment of a gas station with a 2,696 square foot convenience store with the concurrent sale of beer and wine for off premises consumption (with Public Convenience and Necessity Findings) 6,048 square foot fuel canopy with sixteen fueling stations, 3,107 square foot retail building and 1,727 square foot self-service carwash. **Plot Plan No. 180011** which facilitates the construction of a 107,335 square foot light industrial park, including industrial buildings and a convenience center for workers and visitors on 10.05 acres and **Plot Plan No. 180012** for construction of a 140,579 square foot mini-warehouse development, including a caretakers facility on a 9.8 acre parcel. This project is located east of Highway 62, west of Worsley Road, and South of Dillon Road in the San Gorgonio Pass Wind Energy Policy Area of Fifth Supervisorial District.

The Planning Commission recommends that the Board of Supervisors tentatively approve the project and adopt a Mitigated Negative Declaration for Environmental Assessment No. CEQ180035.

The project case file may be viewed from the date of this notice until the public hearing, Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Riverside County Planning Department at 4080 Lemon Street, 12th Floor, Riverside, California 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT **BRETT DAWSON, CONTRACT PLANNER, AT (951)-955-0972 OR EMAIL bdawson@rivco.org**

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

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

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email cob@rivco.org

Dated: November 20, 2019 **Kecia R. Harper, Clerk of the Board**
By: **Karen Barton, Deputy Clerk of the Board**

11/27



PROOF OF PUBLICATION

STATE OF CALIFORNIA SS.
COUNTY OF RIVERSIDE

RIVERSIDE COUNTY-BOARD OF SUP.
4080 LEMON ST

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I am over the age of 18 years old, a citizen of the United States and not a party to, or have interest in this matter. I hereby certify that the attached advertisement appeared in said newspaper (set in type not smaller than non paniel) in each and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

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I acknowledge that I am a principal clerk of the printer of The Desert Sun, printed and published weekly in the City of Palm Springs, County of Riverside, State of California. The Desert Sun was adjudicated a Newspaper of general circulation on March 24, 1988 by the Superior Court of the County of Riverside, State of California Case No. 191236.

I certify under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.. Executed on this 27th of November 2019 in Green Bay, WI, County of Brown.

[Handwritten signature of Jana Karitz]
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NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON CONDITIONAL USE PERMIT, PLOT PLANS, GENERAL PLAN AMENDMENT, CHANGE OF ZONE, AND MITIGATED NEGATIVE DECLARATION IN THE SAN GORGONIO PASS WIND ENERGY POLICY AREA, FIFTH SUPERVISORIAL DISTRICT

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Dated: November 28, 2019
Kecia R. Harper, Clerk of the Board
By: Karen Barton, Deputy Clerk of the Board

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Dated: November 28, 2019
Kecia R. Harper, Clerk of the Board
By: Karen Barton, Deputy Clerk of the Board

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RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA R. HARPER
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

November 20, 2019

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ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

E-MAIL: legals@pe.com
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RE: NOTICE OF PUBLIC HEARING: GPA 1201

To Whom It May Concern:

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Thank you in advance for your assistance and expertise.

Sincerely,

Karen Barton

Deputy Clerk of the Board to:
KECIA R. HARPER, CLERK OF THE BOARD



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CLERK OF THE BOARD OF SUPERVISORS
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RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060 FAX: (951) 955-1071

KECIA R. HARPER
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

November 20, 2019

THE DESERT SUN
ATTN: LEGALS
P.O. BOX 2734
PALM SPRINGS, CA 92263

TEL : (760) 778-4578
E-MAIL: legals@thedesertsun.com

RE: NOTICE OF PUBLIC HEARING: GPA 1201

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **One (1) time on Wednesday, November 27, 2019.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION.**

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Karen Barton

Deputy Clerk of the Board to:
KECIA R. HARPER, CLERK OF THE BOARD

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON CONDITIONAL USE PERMIT, PLOT PLANS, GENERAL PLAN AMENDMENT, CHANGE OF ZONE, AND MITIGATED NEGATIVE DECLARATION IN THE SAN GORGONIO PASS WIND ENERGY POLICY AREA, FIFTH SUPERVISORIAL DISTRICT

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, December 10, 2019 at 10:00 A.M.** or as soon as possible thereafter, to consider the Planning Commission's recommended approval on **General Plan Amendment No. 1201**, which amends the project sites General Plan Foundation Component from Rural to Community Development and Land Use designations from Rural Desert to Light Industrial and Commercial Retail. **Change of Zone No. 7946**, which changes the zoning on the project site from Controlled Development Areas to Scenic Highway Commercial and from Controlled Development Areas to Industrial Park. **Conditional Use Permit No. 180007**, which facilitates the establishment of a gas station with a 2,696 square foot convenience store with the concurrent sale of beer and wine for off premises consumption (with Public Convenience and Necessity Findings) 6,048 square foot fuel canopy with sixteen fueling stations, 3,107 square foot retail building and 1,727 square foot self-service carwash. **Plot Plan No. 180011** which facilitates the construction of a 107,335 square foot light industrial park, including industrial buildings and a convenience center for workers and visitors on 10.05 acres and **Plot Plan No. 180012** for construction of a 140,579 square foot mini-warehouse development, including a caretakers facility on a 9.8 acre parcel. This project is located east of Highway 62, west of Worsley Road, and South of Dillon Road in the San Gorgonio Pass Wind Energy Policy Area of Fifth Supervisorial District.

The Planning Commission recommends that the Board of Supervisors tentatively approve the project and adopt a Mitigated Negative Declaration for **Environmental Assessment No. CEQ180035**.

The project case file may be viewed from the date of this notice until the public hearing, Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Riverside County Planning Department at 4080 Lemon Street, 12th Floor, Riverside, California 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT BRETT DAWSON, CONTRACT PLANNER, AT (951)-955-0972 OR EMAIL bdawson@rivco.org

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

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

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email cob@rivco.org

Dated: November 20, 2019

Kecia R. Harper, Clerk of the Board
By: Karen Barton, Deputy Clerk of the Board

CERTIFICATE OF POSTING

(Original copy, duly executed, must be attached to
the original document at the time of filing)

I, Karen Barton, Deputy Clerk of the Board to Kecia R. Harper, Clerk of the Board of Supervisors, for the County of Riverside, do hereby certify that I am not a party to the within action or proceeding; that on November 20, 2019, I forwarded to Riverside County Clerk & Recorder's Office a copy of the following document:

NOTICE OF PUBLIC HEARING

GPA 1201

to be posted in the office of the County Clerk at 2724 Gateway Drive, Riverside, California 92507. Upon completion of posting, the County Clerk will provide the required certification of posting.

Board Agenda Date: December 10, 2019 @ 10:00 a.m.

SIGNATURE: Karen Barton DATE: November 20, 2019
Karen Barton

CERTIFICATE OF MAILING

(Original copy, duly executed, must be attached to
the original document at the time of filing)

I, Karen Barton, Deputy Clerk of the Board, for the County of Riverside, do hereby certify that I am not a party to the within action or proceeding; that on November 20, 2019, I mailed a copy of the following document:

NOTICE OF PUBLIC HEARING

GPA 1201

to the parties listed in the attached labels, by depositing said copy with postage thereon fully prepaid, in the United States Post Office, 3890 Orange St., Riverside, California, 92501.

Board Agenda Date: December 10, 2019 @ 10:00 a.m.

SIGNATURE: *Karen Barton*
Karen Barton

DATE: November 20, 2019

ITEM

MEETING DATE:

Tuesday, December 10, 2019

FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: Public Hearing on CONDITIONAL USE PERMIT NO. 180007, PLOT PLAN NO. 180011, PLOT PLAN NO. 180012, GENERAL PLAN AMENDMENT NO. 1201, CHANGE OF ZONE NO. 7946 - MITIGATED NEGATIVE DECLARATION NO. CEQ180035 – Applicant: Van Dorpe- Bettencourt Family Properties – Engineer/Representative: Michael Napolitano – Fifth Supervisorial District – Pass and Desert Zoning District – San Gorgonio Pass Wind Energy Policy Area – Rural: Rural Desert – 22.31 Acres – Zoning Controlled Development Area (W-2) – Location: east of Highway 62, west of Worsley Road, and South of Dillon Road, within the Coachella Valley, north of the City of Palm Springs - REQUEST:

General Plan Amendment 1201 (GPA1201) to amend the project sites (APN's: 668-200-018, 668-200-020 and 668-200-008) General Plan Foundation Component from Rural to Community Development and Land Use designations from Rural Desert to Light Industrial and Commercial Retail. Change of Zone 7946 (CZ07946) to change the zoning on the project site from W-2 (Controlled Development Areas) to C-P-S (Scenic Highway Commercial) on APN: 668-200-018, and from W-2 to I-P (Industrial Park) on APN: 668-200-020 and 668-200-008. Three Planning Entitlement applications have been submitted that would implement GPA1201 and CZ07946:

- CUP180007 (APN: 668-200-018) – Conditional Use Permit application to facilitate the establishment of a gas station with a 2,696 square foot convenience store with the concurrent sale of beer and wine for off premises consumption, 6,048 square foot fuel canopy with sixteen fueling stations, 3,107 square foot retail building and 1,727 square foot self-service car wash.
- PPT180011 (APN: 668-200-020) – Plot Plan application to facilitate the construction of a 107,335 square foot light industrial park, including industrial buildings, offices, buildings and a convenience center for workers and visitors on 10.05 acres.
- PPT180012 (APN: 668-200-008) – Plot Plan application to facilitate the construction of a 140,579 square foot mini-warehouse development, including a caretakers facility on a 9.8 acre parcel.

RECOMMENDED MOTION: That the Board of Supervisors:

ADOPT a MITIGATED NEGATIVE DECLARATION for ENVIRONMENTAL ASSESSMENT NO. CEQ180035, based on the findings and conclusions provided in the initial study, and the

staff report, attached hereto, and the conclusion that the project will not have a significant effect on the environment; and,

TENTATIVELY APPROVE GENERAL PLAN AMENDMENT NO. 1201, A General Plan Foundation Component Amendment to change the project site's General Plan Land Use designation from Rural (RUR) to Community Development (CD) and to amend its Land Use Designation from Rural Desert (RD) 10 acre minimum to Light Industrial (LI) on property "C" and Parcel 1 and to Commercial Retail (CR) on Parcel 3 subject to the Board adoption of a General Plan Cycle Resolution; and,

TENTATIVELY APPROVE CHANGE OF ZONE NO. 7946, amending the project site's Zoning Classification from Controlled Development Area (W-2) to Scenic Highway Commercial (C-P-S) on Parcel 3, and from Controlled Development Area (W-2) to Scenic Highway Commercial (C-P-S) on Parcel 3, and Controlled Development Area (W-2) to Industrial Park (IP) on Parcel 1 and Property "C" as shown on the exhibit for CZ07946 subject to Board adoption of Zoning Ordinance; and,

APPROVE PUBLIC CONVIENCE AND NECESSITY FINDINGS as provided in the staff report; and

APPROVE CONDITIONAL USE PERMIT NO. 180007 subject to the attached conditions of approval and advisory notification document, based on the findings and conclusions in this staff report, and subject to final approval of the General Plan Amendment No. 1201 and Change of Zone No. 7946; and,

APPROVE PLOT PLAN NO. 180011 subject to the attached conditions of approval and advisory notification document, based on the findings and conclusions in this staff report, and subject to final approval of the General Plan Amendment No. 1201 and Change of Zone No. 7946; and,

APPROVE PLOT PLAN NO. 180012 subject to the attached conditions of approval and advisory notification document, based on the findings and conclusions in this staff report, and subject to t final approval of the General Plan Amendment No. 12010 and Change of Zone No. 7946.

ACTION:

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: Applicant Fees 100%			Budget Adjustment: No	
			For Fiscal Year: N/A	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The application was considered by the General Plan Advisory Committee (GPAC) during a public meeting on September 8, 2016 and was recommended for initiation to the Planning Commission, by a majority with one abstention.

During the GPAC meeting the members discussed the location, noting that the project site is in close proximity to two freeways. The members felt the proposed change would be appropriate and could result in establishing some new services for the area. The members further requested that the applicant be sensitive to the design of any future project, relating to architecture, landscaping, and building siting, as any project on this location will be highly visible.

On November 16, 2016 the Planning Commission provided comments on the proposed initiation.

On April 11, 2017 the Board of Supervisors adopted an order initiating proceedings for the proposed General Plan Amendment No. 1201.

On April 9, 2018 a request for a Conditional Use Permit and two Plot Plan Applications were submitted.

The project has submitted for a General Plan Amendment, Change of Zone, Conditional Use Permit and two Plot Plan applications. The requested entitlements below are considered the "Project."

The proposed project comprises the development of three parcels. The project proposes a gasoline station, convenience store with the concurrent sale of beer and wine for off premises consumption, retail building, and car wash, an industrial park, and a self-storage facility with a caretaker's facility.

Parcel 3 (668-200-018) proposes a General Plan Amendment to Commercial Retail (CR). The Commercial Retail (CR) land use designation allows for the development of commercial retail uses at a neighborhood, community and regional level, as well as for professional office and tourist-oriented commercial uses. The gas station with convenience store with the concurrent

sale of beer and wine for off premises consumption, sixteen fueling stations, a retail building, and car wash is consistent with the intended uses in the CR designation and would not conflict with any General Plan Land Use Policies.

Parcel 1 (668-200-020) and Property "C" (668-200-008) proposes a General Plan Amendment to Light Industrial (LI). The LI designation allows for a wide variety of industrial and related uses, including assembly and light manufacturing, repair, and other service facilities, warehousing, distribution centers, and support retail uses. Building intensity ranges from 0.25 to 0.6 FAR. The industrial park and self-storage developments are consistent with the intended uses in the LI designation, and would not conflict with any General Plan Land Use policies.

GPA1201 was initiated by the Board of Supervisors on April 11, 2017 to amend the project site's General Plan Land Use Foundation Component from Rural (RUR) to Community Development (CD), and General Plan Land Use Designations from Rural Desert to Commercial Retail on Parcel 3 (APN:668-200-018) and Light Industrial on Parcel 1 and Property "C" (APNs: 668-200-020 and 668-200-008)

CZ07946 was submitted to change the zoning on the project site from Controlled Development Areas (W-2) to Scenic Highway Commercial (C-P-S) on APN: 668-200-018, and from W-2 to Industrial Park (IP) on APN: 668-200-020 and 668-200-008.

Conditional Use Permit No. 180007 on Parcel 3 (668-200-018) to facilitate the establishment of a gas station with a convenience store with the concurrent sale of beer and wine for off premises consumption, sixteen fueling stations, retail building, and self-service car wash.

Plot Plan No. 180001 to facilitate the construction of a 107,335 square foot light industrial park, including industrial buildings, offices, buildings and a convenience center for workers and visitors on 10.05 acres (APN: 668-200-020).

Plot Plan No. 180012 (PPT180012) would facilitate the construction of a 140,579 square foot mini-storage development, including a caretaker's facility on a 9.8 acre parcel (APN: 668-200-008).

The project site is generally located east of Highway 62, west of Worsely Road, and South of Dillon Road, within the Coachella Valley north of the City of Palm Springs.

Currently there are eight (8) alcohol beverage control licenses in Census Tract 445.22. Approval of this Conditional Use Permit would increase the number of existing alcohol beverage control licenses to nine (9). According to the California State Department of Alcohol Beverage Control (ABC), the maximum number of licenses for this census tract is two (2). In order to exceed the number of allowed licenses for a census tract, the ABC requires acknowledgement from the local jurisdiction that the jurisdiction agrees with the increase beyond the limit. The acknowledgement is the approval of finding of "Determination of Public Convenience and Necessity" in the recommendations and as detailed in the findings below.

The Planning Commission considered the project on October 16, 2019. There were no public speakers. The Planning Commission adopted a Mitigated Negative Declaration for Environmental Assessment No. CEQ180035 and approved the project with a 5-0 vote subject to the conditions of approval as modified at hearing.

Impact on Residents and Businesses

The impacts of this project have been evaluated through the environmental review and public hearing process by the Planning Department and the Planning Commission.

Additional Fiscal Information

All fees are paid by the applicant. There is no General Fund Obligation.

ATTACHMENTS

ATTACHMENT A. Planning Commission Minutes

ATTACHMENT B. Planning Commission Staff Report Package

ATTACHMENT C. Letter from Vanst Law and Response



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668250023
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1125 NW COUCH NO 700
PORTLAND OR 97209

668182021
LAMONT D GOODLETT
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MARINA DEL REY CA 90292

668230011
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668230002
ECO GREEN STRUCTURES INC
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668230009
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DSRT HOT SPG CA 92241

668190006
RIVERSIDE COUNTY FLOOD CONT
1995 MARKET ST
RIVERSIDE CA 92501

668172013
JOHN STEVEN POLLHAMMER
2032 CONTESSA
IRVINE CA 92620

668182008
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HUNTINGTON BEACH CA 92646

668250026
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668320014
FREDERICK W NOBLE
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668171008
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NEWPORT BEACH CA 92663

668172001
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ARTESIA CA 90702

668190004
SOUTHERN CALIF EDISON CO
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ROSEMEAD CA 91770

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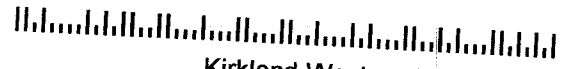
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Michael Napolitano
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OFFICE OF
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PHONE: (951) 955-1060
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KECIA R. HARPER
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

December 16, 2019

THE PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

TEL: (951) 368-9225
E-MAIL: legals@pe.com

RE: ADOPTION OF ORDINANCE NO. 348.4917

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Tuesday, December 24, 2019.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION.**

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Karen Barton

Deputy Clerk of the Board to:
KECIA R. HARPER, CLERK OF THE BOARD

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

ORDINANCE NO. 348.4917

AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 348 RELATING TO ZONING

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Section 4.1 of Ordinance No. 348, and Pass and Desert District Zoning Plan Map No. 58, as amended, are further amended by placing in effect in the zone or zones as shown on the map entitled "Change of Official Zoning Plan, Pass and Desert District, Map No. 58.097, Change of Zone Case No. 7946," which map is made a part of this ordinance.

Section 2. This ordinance shall take effect 30 days after its adoption.

Kevin Jeffries, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **December 10, 2019**, the foregoing Ordinance consisting of two (2) sections was adopted by said Board by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
NAYS: None
ABSENT: None

Kecia R. Harper, Clerk of the Board
By: Karen Barton, Deputy Clerk of the Board



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THE PRESS-ENTERPRISE

DATE	ORDER NUMBER	PONumber	PRODUCT	SIZE	Amount
12/24/19	0011347048		PE Riverside	4 x 34 Li	176.80

Invoice text: Ordinance 348.4917

*Planning
12/10/19 21.4*

Placed by: Karen Lynn Barton

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176.80

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Nick Eller 951-368-9229	BILLING DATE 12/24/2019	BILLED ACCOUNT NUMBER 5209148	ADVERTISER/CLIENT NUMBER 5209148	ADVERTISER/CLIENT NAME BOARD OF SUPERVISORS	



THE PRESS-ENTERPRISE

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BILLING DATE 12/24/2019	BILLED ACCOUNT NUMBER 5209148	ADVERTISER/CLIENT NUMBER 5209148
BALANCE DUE 176.80	ORDER NUMBER 0011347048	TERMS OF PAYMENT DUE UPON RECEIPT

BILLING ACCOUNT NAME AND ADDRESS

REMITTANCE ADDRESS

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
'PO BOX 1147'
RIVERSIDE, CA 92502

CALIFORNIA NEWSPAPER PARTNERSHIP
dba The Press-Enterprise
PO Box 65210
Colorado Springs, CO 80962-5210

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION (2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Ordinance 348.4917 /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

12/24/2019

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: December 24, 2019
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
PO BOX 1147
RIVERSIDE, CA 92502

Ad Number: 0011347048-01

P.O. Number:

Ad Copy:

BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
ORDINANCE NO. 348.4917

AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 348 RELATING TO ZONING

The Board of Supervisors of the County of Riverside ordains as follows:
Section 1. Section 4.1 of Ordinance No. 348, and Pass and Desert District Zoning Plan Map No. 58, as amended, are further amended by placing in effect in the zone or zones as shown on the map entitled "Change of Official Zoning Plan, Pass and Desert District, Map No. 58.097, Change of Zone Case No. 7946," which map is made a part of this ordinance.
Section 2. This ordinance shall take effect 30 days after its adoption.

Kevin Jeffries, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on December 10, 2019, the foregoing Ordinance consisting of two (2) sections was adopted by said Board by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
NAYS: None
ABSENT: None

Kecia R. Harper, Clerk of the Board
By: Karen Barton, Deputy Clerk of the Board

12/24

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON CONDITIONAL USE PERMIT, PLOT PLANS, GENERAL PLAN AMENDMENT, CHANGE OF ZONE, AND MITIGATED NEGATIVE DECLARATION IN THE SAN GORGONIO PASS WIND ENERGY POLICY AREA, FIFTH SUPERVISORIAL DISTRICT

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, December 10, 2019 at 10:00 A.M.** or as soon as possible thereafter, to consider the Planning Commission's recommended approval on **General Plan Amendment No. 1201**, which amends the project sites General Plan Foundation Component from Rural to Community Development and Land Use designations from Rural Desert to Light Industrial and Commercial Retail. **Change of Zone No. 7946**, which changes the zoning on the project site from Controlled Development Areas to Scenic Highway Commercial and from Controlled Development Areas to Industrial Park. **Conditional Use Permit No. 180007**, which facilitates the establishment of a gas station with a 2,696 square foot convenience store with the concurrent sale of beer and wine for off premises consumption (with Public Convenience and Necessity Findings) 6,048 square foot fuel canopy with sixteen fueling stations, 3,107 square foot retail building and 1,727 square foot self-service carwash. **Plot Plan No. 180011** which facilitates the construction of a 107,335 square foot light industrial park, including industrial buildings and a convenience center for workers and visitors on 10.05 acres and **Plot Plan No. 180012** for construction of a 140,579 square foot mini-warehouse development, including a caretakers facility on a 9.8 acre parcel. This project is located east of Highway 62, west of Worsley Road, and South of Dillon Road in the San Gorgonio Pass Wind Energy Policy Area of Fifth Supervisorial District.

The Planning Commission recommends that the Board of Supervisors tentatively approve the project and adopt a Mitigated Negative Declaration for **Environmental Assessment No. CEQ180035**.

The project case file may be viewed from the date of this notice until the public hearing, Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Riverside County Planning Department at 4080 Lemon Street, 12th Floor, Riverside, California 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT BRETT DAWSON, CONTRACT PLANNER, AT (951)-955-0972 OR EMAIL bdawson@rivco.org

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Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email cob@rivco.org

Dated: November 20, 2019

Kecia R. Harper, Clerk of the Board
By: Karen Barton, Deputy Clerk of the Board

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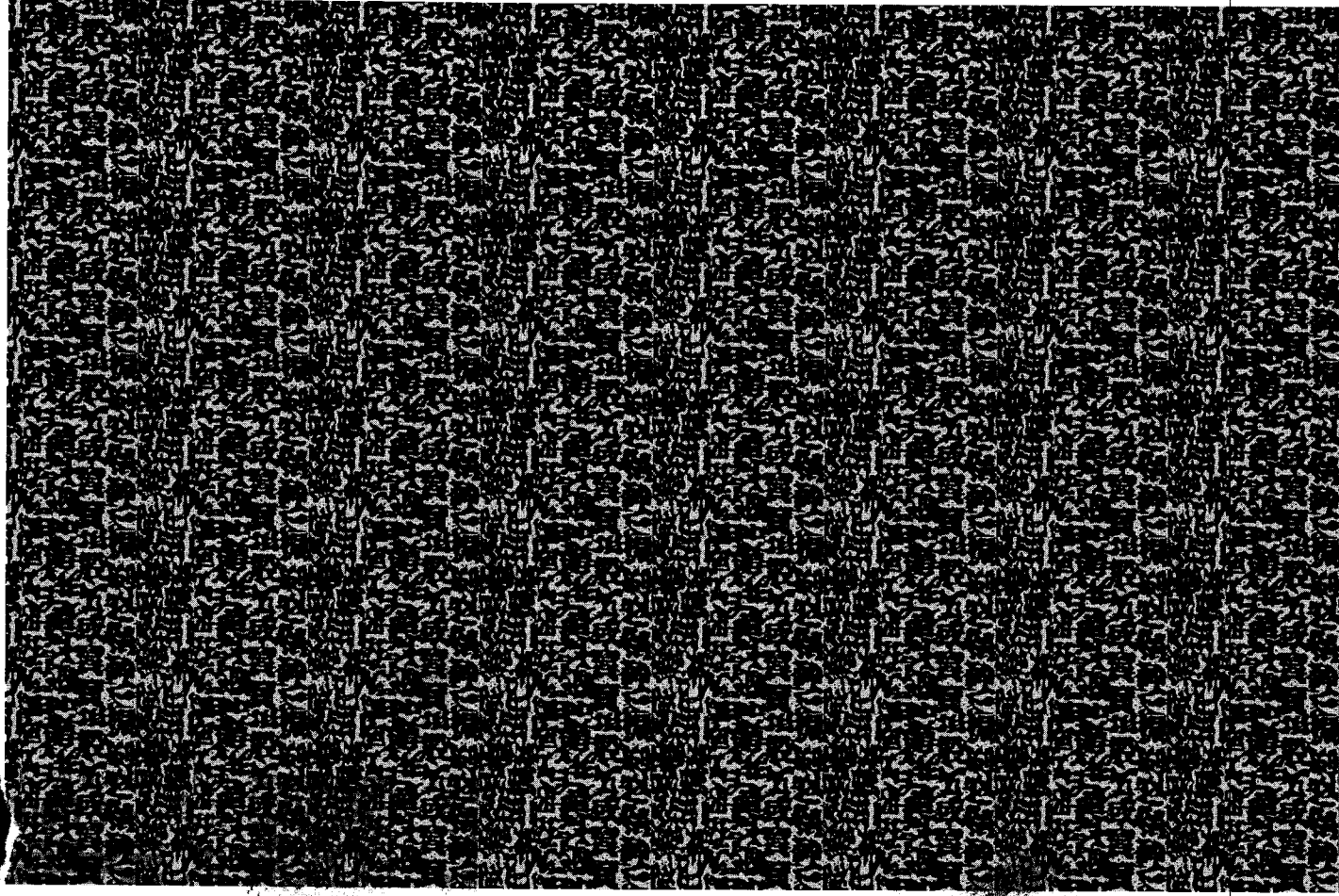
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668172007
CHARLES QUINLAN
17107 MARION RD
WHITEWATER CA 92282

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PUBLIC HEARING NOTICE

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County Administrative Center
4080 Lemon Street, 1st Floor Annex
P. O. Box 1147
Riverside, CA 92502-1147



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Dated: November 20, 2019

Kecia R. Harper, Clerk of the Board
By: Karen Barton, Deputy Clerk of the Board

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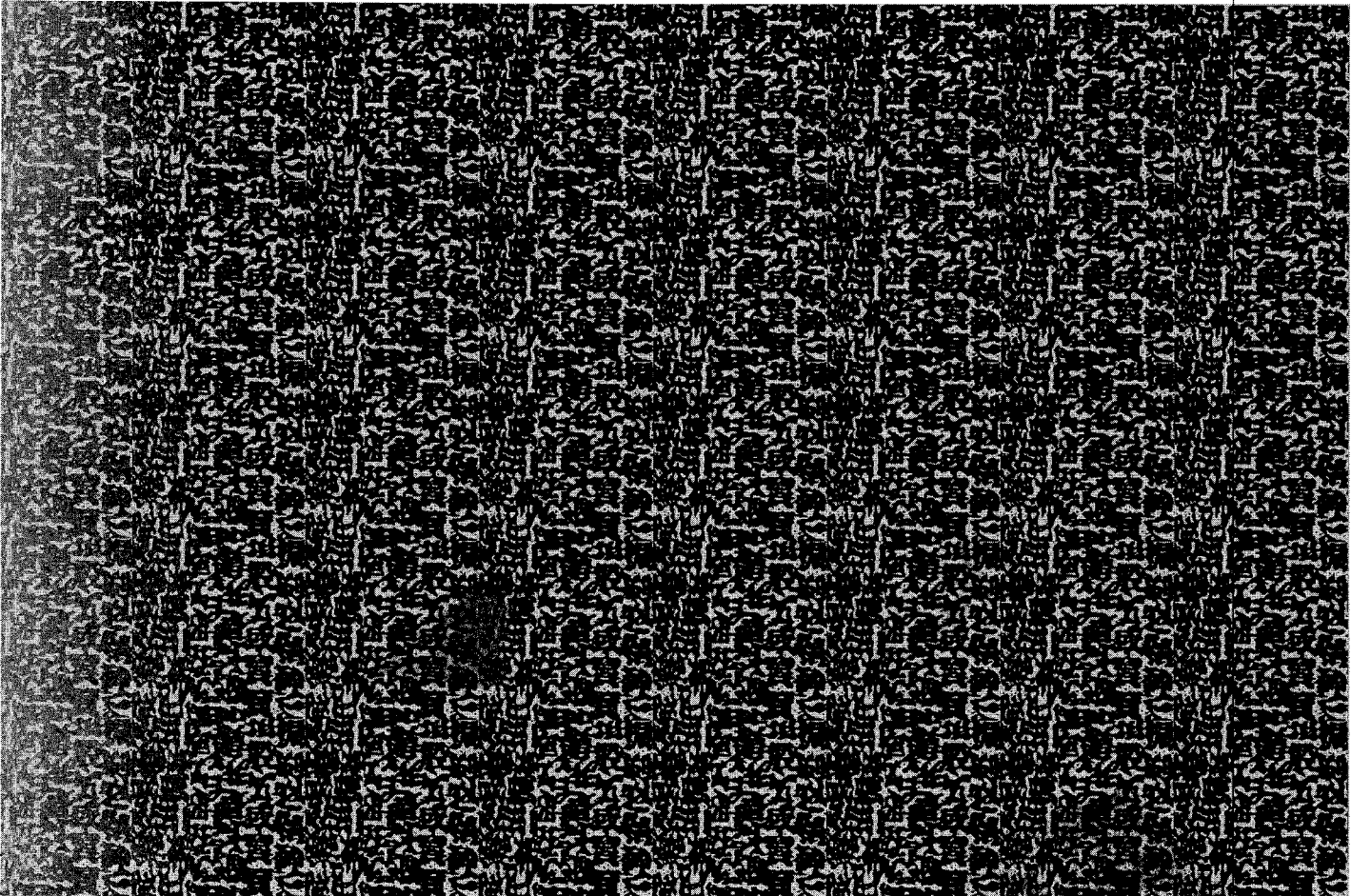
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2019 NOV 25 AM 11:33

668182013
GENE L TARDY
VONA E TARDY
45720 W BUCK LAKE RD
NASHWAUK MN 55769

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County Administrative Center
4080 Lemon Street, 1st Floor Annex
P. O. Box 1147
Riverside, CA 92502-1147



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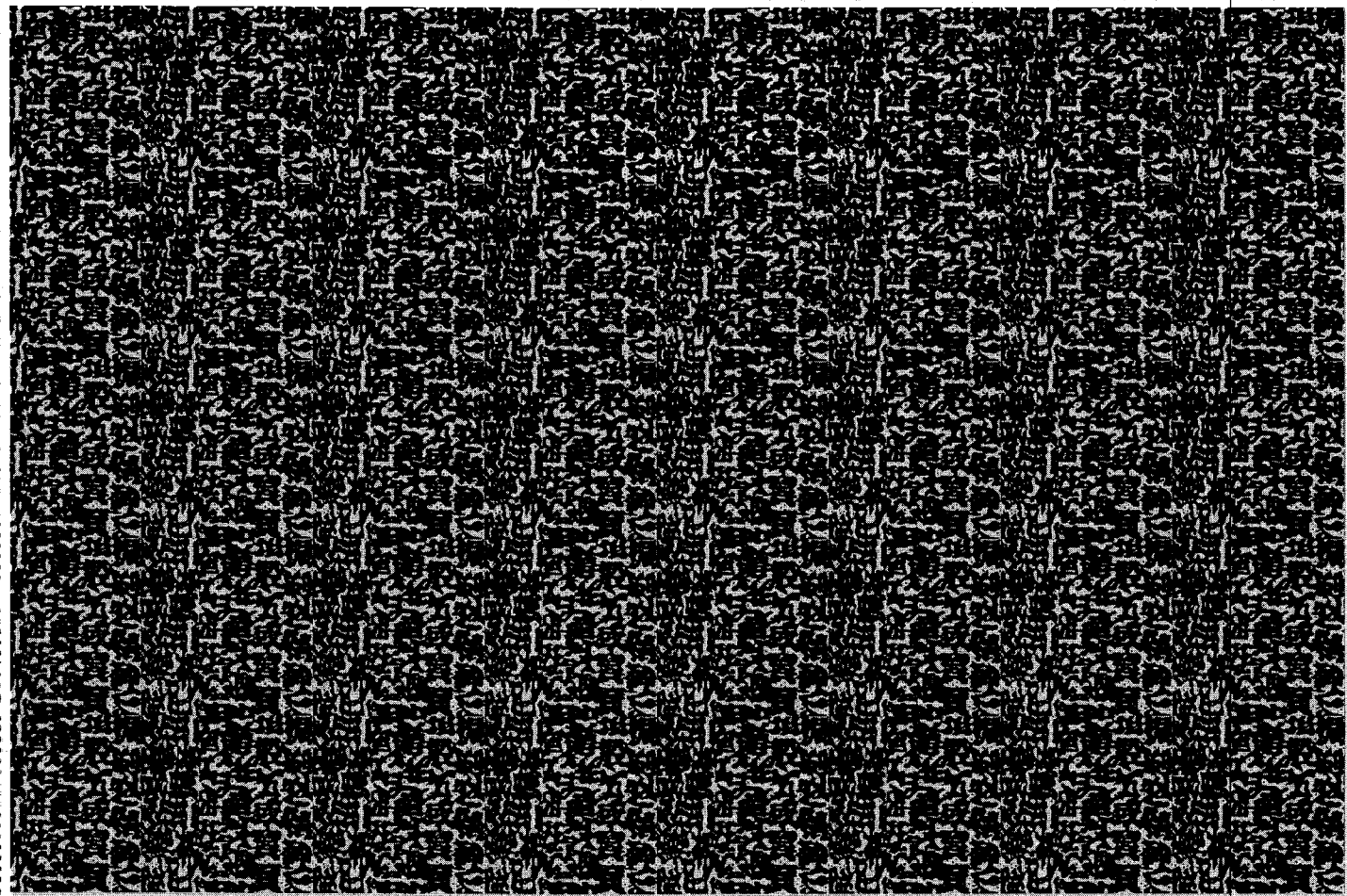
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2019 NOV 25 AM 11:34

668172001
ROBIN HARRIS
22295 PARKMEAD DR
PALM SPRINGS CA 92262

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County Administrative Center
4080 Lemon Street, 1st Floor Annex
P. O. Box 1147
Riverside, CA 92502-1147



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By: Karen Barton, Deputy Clerk of the Board

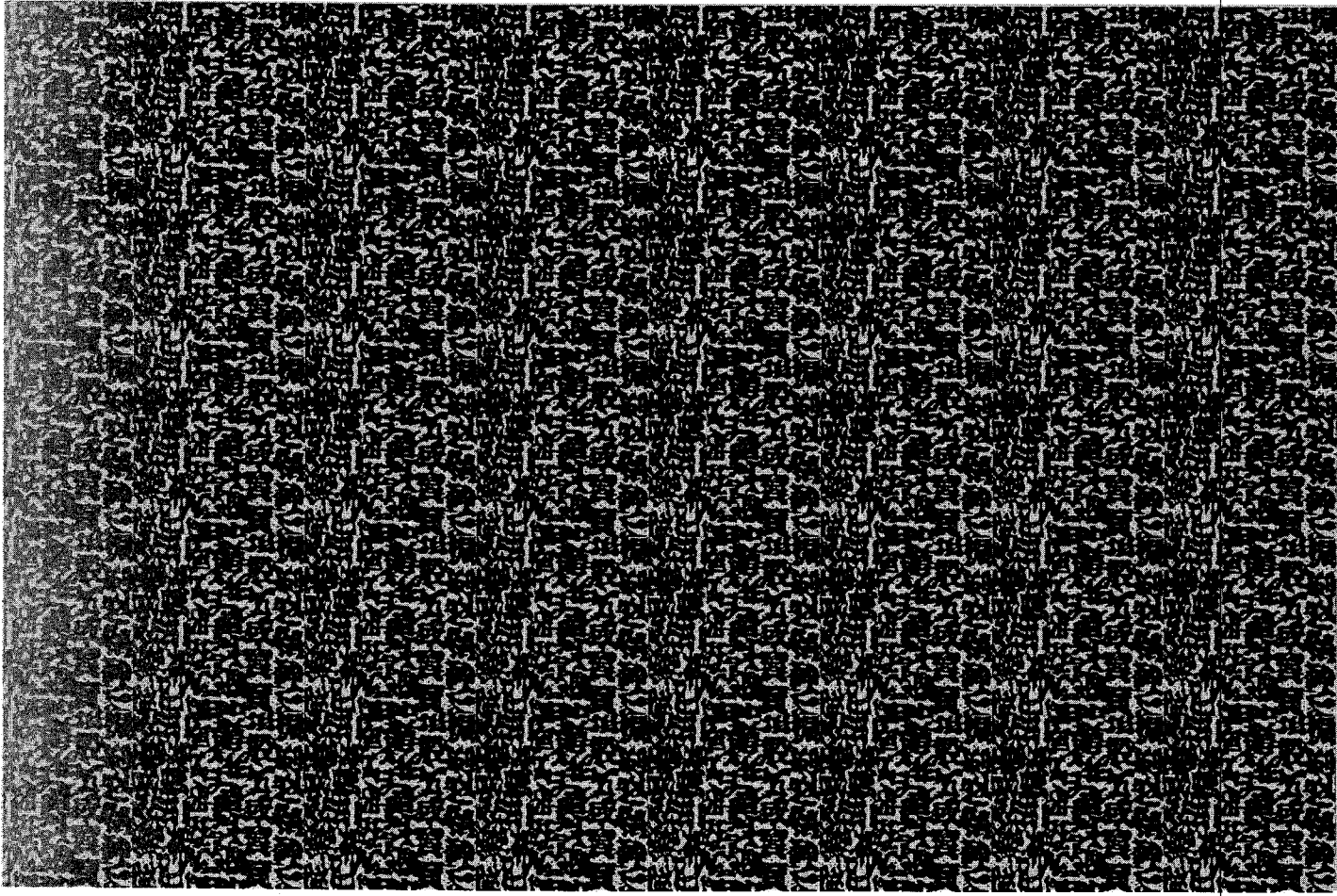
141-SMB 32222
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MORONGO VLY CA 92256-1271
PO BOX 1271
WHITNEY
FORWARD TIME EXP KTN TO SEND
910 NFE 126081810011/22/19

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2019 NOV 25 AM 11:34

668173001
JAMES RONALD WHITNEY
MICHAEL THOMAS EMORY
351 N HERMOSA DR NO 4B1
PALM SPRINGS CA 92262

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Riverside County Clerk of the Board
County Administrative Center
4080 Lemon Street, 1st Floor Annex
P. O. Box 1147
Riverside, CA 92502-1147



F 7
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143-SMB 9005

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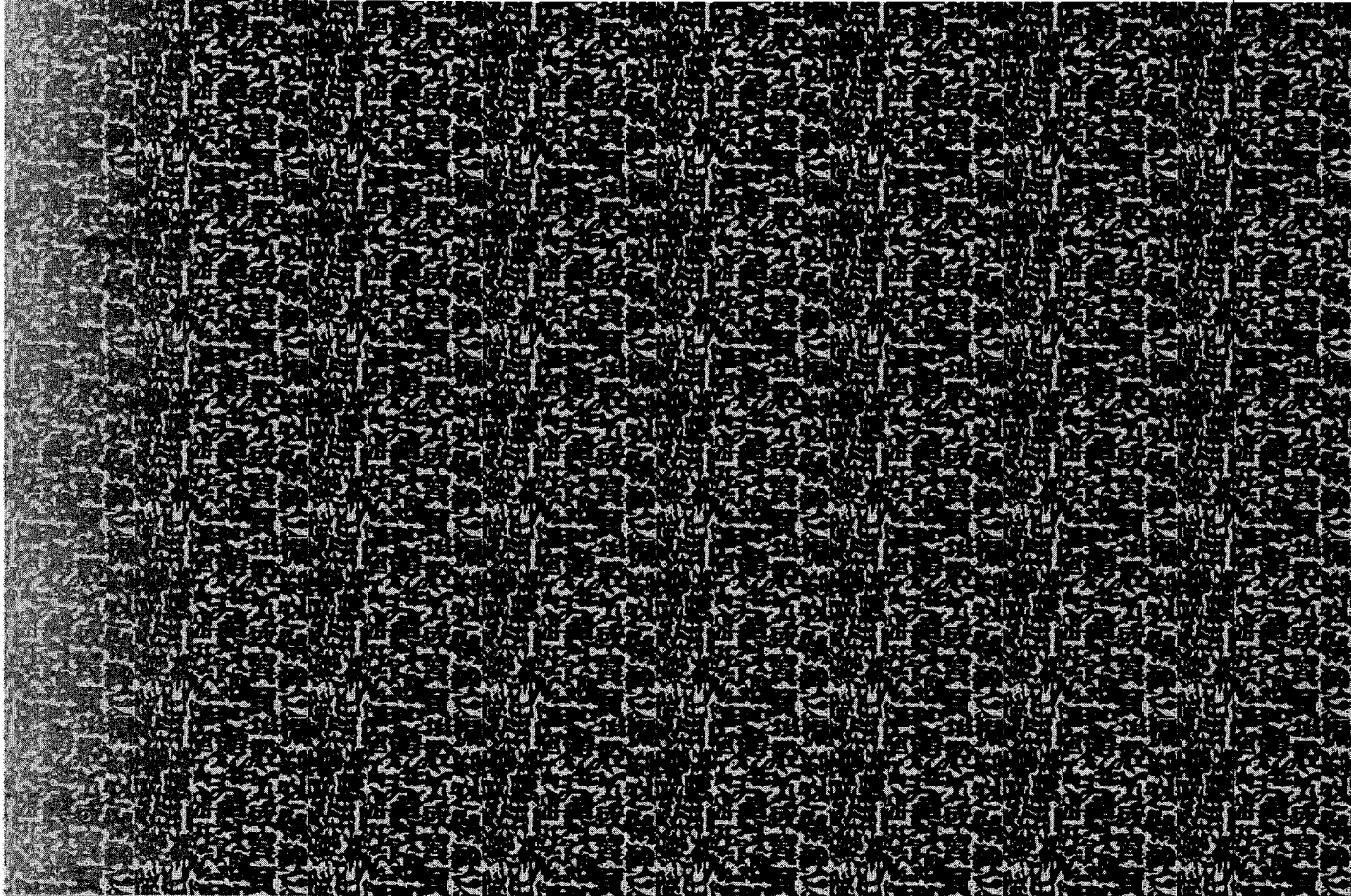
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668182011
NAPOL PHIU NUAL
PO BOX 2637
LOS ANGELES CA 90034

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PUBLIC HEARING NOTICE

Riverside County Clerk of the Board
County Administrative Center
4080 Lemon Street, 1st Floor Annex
P. O. Box 1147
Riverside, CA 92502-1147



NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF RIVERSIDE COUNTY ON CONDITIONAL USE PERMIT, PLOT PLANS, GENERAL PLAN AMENDMENT, CHANGE OF ZONE, AND MITIGATED NEGATIVE DECLARATION IN THE SAN GORGONIO PASS WIND ENERGY POLICY AREA, FIFTH SUPERVISORIAL DISTRICT

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, December 10, 2019 at 10:00 A.M.** or as soon as possible thereafter, to consider the Planning Commission's recommended approval on **General Plan Amendment No. 1201**, which amends the project sites General Plan Foundation Component from Rural to Community Development and Land Use designations from Rural Desert to Light Industrial and Commercial Retail. **Change of Zone No. 7946**, which changes the zoning on the project site from Controlled Development Areas to Scenic Highway Commercial and from Controlled Development Areas to Industrial Park. **Conditional Use Permit No. 180007**, which facilitates the establishment of a gas station with a 2,696 square foot convenience store with the concurrent sale of beer and wine for off premises consumption (with Public Convenience and Necessity Findings) 6,048 square foot fuel canopy with sixteen fueling stations, 3,107 square foot retail building and 1,727 square foot self-service carwash. **Plot Plan No. 180011** which facilitates the construction of a 107,335 square foot light industrial park, including industrial buildings and a convenience center for workers and visitors on 10.05 acres and **Plot Plan No. 180012** for construction of a 140,579 square foot mini-warehouse development, including a caretakers facility on a 9.8 acre parcel. This project is located east of Highway 62, west of Worsley Road, and South of Dillon Road in the San Gorgonio Pass Wind Energy Policy Area of Fifth Supervisorial District.

The Planning Commission recommends that the Board of Supervisors tentatively approve the project and adopt a Mitigated Negative Declaration for **Environmental Assessment No. CEQ180035**.

The project case file may be viewed from the date of this notice until the public hearing, Monday through Friday, from 8:00 a.m. to 5:00 p.m. at the Riverside County Planning Department at 4080 Lemon Street, 12th Floor, Riverside, California 92501.

FOR FURTHER INFORMATION REGARDING THIS PROJECT, PLEASE CONTACT BRETT DAWSON, CONTRACT PLANNER, AT (951)-955-0972 OR EMAIL bdawson@rivco.org

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

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

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email cob@rivco.org

Dated: November 20, 2019

Kecia R. Harper, Clerk of the Board
By: Karen Barton, Deputy Clerk of the Board

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Dated: November 20, 2019

Kecia R. Harper, Clerk of the Board
By: Karen Barton, Deputy Clerk of the Board

RECEIVED RIVERSIDE COUNTY
CLERK/BOARD OF SUPERVISORS

2019 DEC -3 AM 10:19

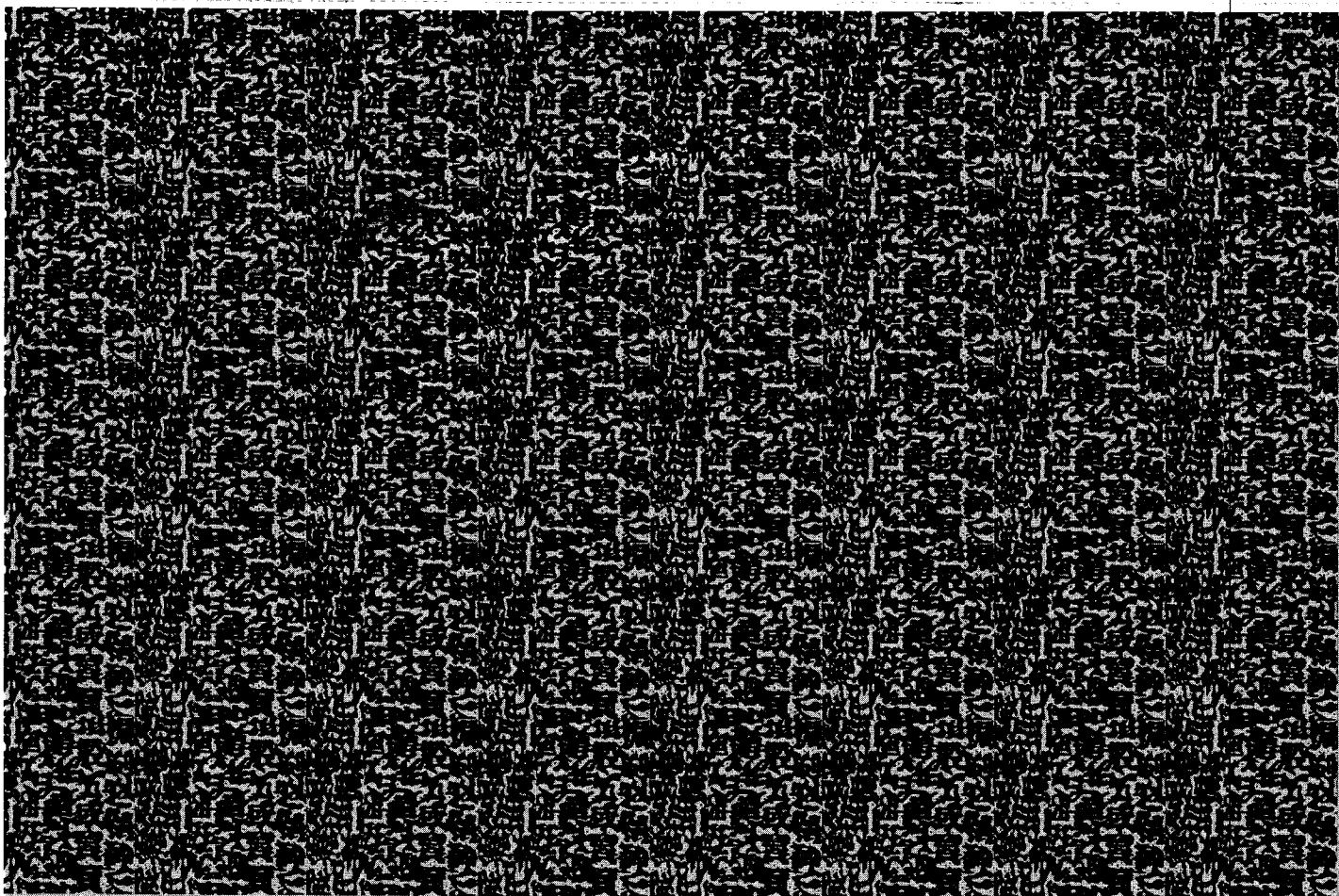


PUBLIC HEARING NOTICE
This may affect your property

Riverside County Clerk of the Board
County Administrative Center
4080 Lemon Street, 1st Floor Annex
P. O. Box 1147
Riverside, CA 92502-1147

668173008
LANDA WILLIAMS
4711 S MULLEN AVE
VIEW PARK CA 90043

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RETURN TO SENDER
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Dated: November 20, 2019

Kecia R. Harper, Clerk of the Board
By: Karen Barton, Deputy Clerk of the Board

RECEIVED RIVERSIDE COUNTY
CLERK / BOARD OF SUPERVISORS

2019 DEC -9 AM 11:43



PUBLIC HEARING NOTICE
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Riverside County Clerk of the Board
County Administrative Center
4080 Lemon Street, 1st Floor Annex
P. O. Box 1147
Riverside, CA 92502-1147

668172002
CLIFFORD GEORGE
PO BOX 58002

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MIXIE 911 DC 1 9011/04/08

RETURN TO SENDER
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UNABLE TO FORWARD

UTF BCI: 92502114747 *0704-01214-21-43

Riverside County Board of Supervisors Request to Speak

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

ALSO GREG SAUNDERS.
PELLO, DAVID; ANDREA CAUDERPIE
SPEAKER'S NAME: PHILIP BETHENCOURT

Address: 21-4 APPLICANT / CO-OWNER

City: LAQUINTA Zip: 92253

Phone #: 949-720-0970

Date: 12-10-2019 Agenda # 21-4

PLEASE STATE YOUR POSITION BELOW:

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

Support Oppose Neutral

OWNER-APPLICANTS

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

Support Oppose Neutral

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

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

Requests to Address Board on items that are "NOT" on the Agenda/Public Comment:

Notwithstanding any other provisions of these rules, a member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES. Donated time is not permitted during Public Comment.

Power Point Presentations/Printed Material:

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

Individual Speaker Limits:

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

Group/Organized Presentations:

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

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SPEAKER'S NAME: FRED NOBLE

Address: 2045 E TAHQVITZ CYN, WYF

City: YAN SPRINGS CA Zip: 92262

Phone #: 760 323 9490 x126

Date: 12/10/19 Agenda # ^{21.4} 11285

PLEASE STATE YOUR POSITION BELOW:

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

Support Oppose Neutral

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

SPEAKER'S NAME: Ms Miller

Address: P.O. BOX 1341

City: Escondido Zip: 92831

Phone #: _____

Date: _____ Agenda # 21.4

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