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3 **RESOLUTION No. 2024-009**

4 **RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT GPA NO. 1207**

5 **WHEREAS**, pursuant to the provisions of Government Code Section 65350 et seq., a public hearing was
6 held before the Riverside County Planning Commission in Riverside, California on September 18, 2024 (Resolution
7 2024-009), to consider the above-captioned General Plan Amendment and Design Guidelines for the Harvest
8 Valley/Winchester Area Plan and revisions to associated Area Plans of the Riverside County General Plan; and,

9 **WHEREAS**, all provisions of the California Environmental Quality Act (CEQA) and the
10 Riverside County CEQA implementing procedures have been satisfied and the Environmental Impact Report
11 prepared is sufficiently detailed so that all the potentially significant effects of the project on the environment and
12 measures necessary to avoid or substantially lessen such effects have been evaluated in accordance with the above-
13 referenced Act and Procedures; and,

14 **WHEREAS**, the proposed General Plan Amendment was discussed fully with testimony and
15 documentation presented by the public and affected government agencies; now, therefore,

16 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the Planning Commission
17 of the County of Riverside, in regular session assembled on September 18, 2024, that it has reviewed and considered
18 the staff report and Environmental Impact Report, staff’s presentation and input from the public, and based on the
19 findings and conclusions in the staff report and Environmental Impact Report, which are both incorporated herein by
20 reference, recommends to the Board of Supervisors:

21 **TENTATIVELY CERTIFY** the Environmental Impact Report for General Plan Amendment
22 No. 1207 (SCH #2019049114); and,

23 **TENTATIVELY APPROVE** General Plan Amendment No. 1207 and Design Guidelines, subject to
24 the adoption of a General Plan Amendment resolution by the Board of Supervisors.
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RIVERSIDE COUNTY
PLANNING DEPARTMENT

MINUTE ORDER

RIVERSIDE COUNTY PLANNING COMMISSION – September 18, 2024

4080 LEMON STREET, RIVERSIDE, CALIFORNIA 92501

1st Floor Board Chambers

I. AGENDA ITEM 2.5

INITIATION OF GENERAL PLAN AMENDMENT NO. 240026 (Foundation Component) – Applicant: Trammell Crow Company, c/o David Nazaryk – Engineer/Representative: EPD Solutions, c/o Selena Kelaher – First Supervisorial District – North Perris Zoning Area – Mead Valley Area Plan – Existing: General Plan Foundation Component: Rural Residential (RR); Proposed: General Plan Foundation Component: Community Development (CD) – Location: North of Orange Avenue, south of Placentia Street, west of Patterson Avenue, and east of Decker Road – 162 +/- Gross Acres – Existing Zoning: Rural Residential (R-R); Rural Residential 1-Acre Minimum (R-R-1), and Rural Residential 5-Acre Minimum (R-R-5).

II. PROJECT DESCRIPTION:

The applicant of General Plan Amendment No. 240026 (GPA240026) is making a request to the County of Riverside to change the General Plan Foundation Component of four (4) parcels from Rural: Rural Residential (R: RR) to Community Development: Light Industrial (CD: LI). Additional development applications and review by the county to confirm that the overall project complies with applicable policies, findings, and other factors will be required if the proposed GPA240026 is initiated by the Board of Supervisors – APN: 317-250-006 thru 009.

III. MEETING SUMMARY:

The following staff presented the subject proposal:

Tim Wheeler (951) 955-6060

Spoke in favor: Jeremy Krout – App/Rep, Jared Reimer – App/Rep

Opposition: Alfonso Gonzales, Christopher Salas, Franco Pacheco, Mike McCarthy, Joann McAnlis, Karla Cervantes, Victoria Camarena.

Neutral: Travis Duncan, Mario Salas

IV. CONTROVERSIAL ISSUES:

None.

V. PLANNING COMMISSION ACTION:

Public Hearing: Closed

The Planning Commission recommendations were as follows:

District 1 – Absent

District 2 – Support

District 3 – Absent

District 4 – Support

District 5 – Support

The Planning Commission took the following action:

RECOMMEND That General Plan Amendment No. 240026 move forward to the Board of Supervisors.



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I. AGENDA ITEM 2.6

INITIATION OF GENERAL PLAN AMENDMENT NO. 240023 (Foundation Component) – Applicant: Lansing Companies, c/o Trip Hord – Engineer/Representative: EPD Solutions, Inc., c/o Selena Kelaher – First Supervisorial District – Mead Valley Zoning District – Mead Valley Area Plan – Existing: General Plan Foundation Component: Rural Community (RC); Proposed: General Plan Foundation Component: Community Development (CD) – Location: North of Markham Street, south of Nandina Avenue, west of Decker Road, and east of Day Street – 103.37 +/- Gross Acres – Existing Zoning: Light Agriculture 1-Acre Minimum (A-1-1) and Light Agriculture 2½ Acre Minimum (A-1-2½) .

II. PROJECT DESCRIPTION:

The applicant of General Plan Amendment No. 240023 (GPA240023) is making a request to the County of Riverside to change the General Plan Foundation Component of seven (7) parcels from Rural Community: Very Low Density Residential (RC: VLDR) to Community Development: Light Industrial (CD: LI). Additional development applications and review by the county to confirm that the overall project complies with applicable policies, findings, and other factors will be required if the proposed GPA240023 is initiated by the Board of Supervisors – APN: 295-310-001, 002; 314-020-008, 009, 019; 314-030-023, 025.

III. MEETING SUMMARY:

The following staff presented the subject proposal:
Tim Wheeler (951) 955-6060

Spoke in favor: Jeremy Krout- App/Rep

Opposition: Franco Pacheco, Mike McCarthy, Karla Cervantes, Victoria Camarena

No one spoke in a neutral position.

IV. CONTROVERSIAL ISSUES:

None.

V. PLANNING COMMISSION ACTION:

Public Hearing: Closed

The Planning Commission recommendations were as follows:

District 1 – Absent

District 2 – Support

District 3 – Absent

District 4 – Neutral

District 5 – Support

The Planning Commission took the following action:

RECOMMEND That General Plan Amendment No. 240023 move forward to the Board of Supervisors.



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I. AGENDA ITEM 2.7

INITIATION OF GENERAL PLAN AMENDMENT NO. 230008 (Foundation Component) – Applicant: Thrifty Oil Co., c/o Stephane Wandel – Engineer/Representative: Thrifty Oil Co., c/o Stephane Wandel – First Supervisorial District – North Perris Zoning Area – Mead Valley Area Plan – Existing: General Plan Foundation Component: Rural Community (RC); Proposed: General Plan Foundation Component: Community Development (CD) – Location: South of Placentia Street, north of Water Street, east of Tobacco Road, and west of Harvill Avenue – 9.62 Gross Acres – Existing Zoning: Rural Residential 1- Acre Minimum (R-R-1).

II. PROJECT DESCRIPTION:

The applicant of General Plan Amendment No. 230008 (GPA230008) is making a request to the County of Riverside to change the General Plan Foundation Component of two (2) parcels from Rural Community: Very Low Density Residential (RC: VLDR) to Community Development: Light Industrial (CD: LI). Additional development applications and review by the county to confirm that the overall project complies with applicable policies, findings, and other factors will be required if the proposed GPA230008 is initiated by the Board of Supervisors – APN: 317-260-017, 317-260-018.

III. MEETING SUMMARY:

The following staff presented the subject proposal:
Tim Wheeler (951) 955-6060

Spoke in favor: Stephnie Wandel - App/Rep, Armando Mazin, Vianey Zepeda, Scott Smith, Larry Robillard,
Opposition: Franco Pacheco, Debbie Walsh, Mike McCarthy, Karla Cervantes, Victoria Camarena
No one spoke in a neutral position.

IV. CONTROVERSIAL ISSUES:

None.

V. PLANNING COMMISSION ACTION:

Public Hearing: Closed

The Planning Commission recommendations were as follows:

District 1 – Absent

District 2 – Support

District 3 – Absent

District 4 – Support

District 5 – Support

The Planning Commission took the following action:

RECOMMEND That General Plan Amendment No. 240008 move forward to the Board of Supervisors.



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I. AGENDA ITEM 4.3

TENTATIVE TRACT MAP NO. 36504 REVISION NO. 1 INTENT TO CONSIDER AN ADDENDUM TO A MITIGATED NEGATIVE DECLARATION (MND) – (Environmental Assessment No. 42549) – Applicant: Trip Hord Associates –Representative: KWC Engineers – Third Supervisorial District – Harvest Valley/Winchester Area Plan: Community Development: Medium Density Residential (CD:MDR) (2-5 DU/AC) – Location: North of Stetson Avenue, east of Highway 79, and south of Caitlin Avenue – 162.05 acres – Homeland Zoning Area– Zoning: Planned Residential (R-4).

II. PROJECT DESCRIPTION:

Tentative Tract Map No. 36504 Revision No. 1 is a revision to an approved Schedule “A” subdivision of approximately 162.05 gross acres into 527 single-family residential lots, an 8.54-acre lot for a park, a 4.7 acre lot for a detention/debris basin, and an approximately 18 acre open space lot. Offsite drainage improvements are proposed on the parcel south of the subdivision area south of Stetson Avenue which consist of an underground 72” storm drain which would connect to a proposed water quality basin at the southeast corner of the offsite area at the corner of Stowe Road and Stueber Lane/El Callado. The revision proposes to reorient streets and revise grading design to accommodate Highway 79 infrastructure improvements, and establish a Phasing Plan of two phases, with 230 lots and 297 lots, respectively. The revised map will create a total of 527 residential lots, 11 lettered lots, an 8.52-acre park lot, a regional debris basin lot, and a resource protection area lot; with an off-site water quality/detention basin located to the south – APN(s): 458-250-012, 458-250-013.

III. MEETING SUMMARY:

The following staff presented the subject proposal:
Joseluis Aparicio (951) 955-6035

Spoke in favor: Trip Hord - App/Rep
No one spoke in opposition a neutral position.

IV. CONTROVERSIAL ISSUES:

None.

V. PLANNING COMMISSION ACTION:

Public Hearing: Closed

By a vote of 3-0, the Planning Commission took the following action:

CONSIDERED Addendum No. 1 to Environmental Assessment No. 42549.

APPROVED Tentative Tract Map No. 36504, Revision No 1, subject to the advisory notification document and conditions of approval, as modified



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I. AGENDA ITEM 4.4

GENERAL PLAN AMENDMENT NO. 1207 (GPA1207) – Environmental Impact Report (Program) – (SCH2019049114) – Third Supervisorial District – Location: The project is located within the southwestern portion of the County of Riverside.

II. PROJECT DESCRIPTION:

The project area is bounded by the unincorporated County of Riverside and the city of Hemet to the north and east, unincorporated County of Riverside and the cities of Murrieta and Temecula to the south and the cities of Murrieta and Temecula to the south, and the cities of Murrieta and Menifee to the west. The project area is almost entirely within the General Plan's Highway 79 Policy Area (Approximately 50,061 acres) boundary.

Winchester Community Plan, which proposes to amend the Riverside County's General Plan, Harvest Valley/Winchester Area Plan by:

1. Expansion of the existing Winchester Policy Area from approximately 287 acres to approximately 23,143 acres of land within the General Plan's Harvest Valley/Winchester Area Plan.
2. Amending the boundaries of the General Plan's Harvest Valley/Winchester, Sun City/Menifee, and Southwest Area Plans so that the expanded Winchester Policy Area falls within the limits of the Harvest Valley/Winchester Area Plan only.
3. Revising land use designations within the expanded Winchester PA, including Foundation Component amendments. Approximately 227 parcels totaling 1,480 acres would require Foundation Component Amendments that include changes from the Rural and Rural Community components to the Community Development component. Consistency zoning revisions would occur in the future for approximately 921 parcels as a result of the revised land use designations proposed as part of the project and are analyzed as part of the EIR.
4. Amending the General Plan's Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Menifee Valley Area Plan to remove the existing Highway 79 Policy Area and thereby remove the 9% reduction in density for residential projects. This policy will be replaced with a fee on newly entitled dwelling units (not dwelling units already entitled), to fund mobility related improvements, such as but not limited to, a vehicle park-n-ride and transit station to be located within the Winchester downtown core area. These revisions to remove the Highway 79 Policy Area will be carried throughout the General Plan document, where necessary, for internal consistency. The Highway 79 Policy Area boundary includes approximately 50,061 acres. Additionally, revisions to several policies within the Area Plans to address the transition from level of service (LOS) to vehicle miles travelled (VMT) thresholds in environmental assessment such as this document.
5. Adopting by reference the Winchester Community Design Guidelines for the Winchester Policy Area

III. MEETING SUMMARY:

The following staff presented the subject proposal:

John Hildebrand (951) 955-6097

Spoke in favor: Angela Little, Grant Becklund

No one spoke in opposition

Neutral: David Chantarangsu, Ting Yang

IV. CONTROVERSIAL ISSUES:

None.



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V. PLANNING COMMISSION ACTION:

Public Hearing: Closed

By a vote of 3-0, the Planning Commission took the following action:

ADOPTED Planning Commission Resolution No. 2024-009

By a vote of 3-0, the Planning Commission recommends the Board of Supervisors take the following actions:

CERTIFY The Program Environmental Impact Report (PEIR) (SCH# 2019049114), and;

TENTATIVELY APPROVE General Plan Amendment No. 1207.



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Agenda Item No.

4.4

(ID # 25809)

MEETING DATE:

Wednesday, September 18, 2024

SUBJECT: GENERAL PLAN AMENDMENT NO. 1207 (GPA1207) – Environmental Impact Report (Program) – (SCH2019049114) – Third Supervisorial District – LOCATION: The project is located within the southwestern portion of the County of Riverside. The project area is bounded by the unincorporated County of Riverside and the city of Hemet to the north and east, unincorporated County of Riverside and the cities of Murrieta and Temecula to the south and the cities of Murrieta and Temecula to the south, and the cities of Murrieta and Menifee to the west. The project area is almost entirely within the General Plan’s Highway 79 Policy Area (Approximately 50,061 acres) boundary. Project Planer Paul Swancott at pswancott@rivco.org or (951) 955-3103 or Project Planner Richard Marshalian at rmarshalian@rivco.org or at (951) 955-9294.

PROPOSED PROJECT

Case Number(s):	GPA 1207
Environmental Type:	Environmental Impact Report
Area Plan No.	Harvest Valley/Winchester
Zoning Area/District:	Winchester Area
Supervisorial District:	Third District
Project Planner:	Richard Marshalian
Project APN(s):	Various
Continued From:	


 John Hildebrand, Planning Director 9/12/2024

PROJECT DESCRIPTION AND LOCATION

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General Plan Amendment No. 1207, (“Project”) consists of General Plan Foundation Component changes and Land Use Designation and policy updates, generally within the Harvest Valley/Winchester Area Plan (HVWAP). The Project proposes to; expand the Winchester Policy Area (“WPA”), revise the land use designations within a proposed extension to the WPA, revise existing policies and create new policies, amend, and create new Neighborhood planning areas with specific policies that, together with the proposed land use changes will provide direction for future orderly development of the WPA and Winchester Town Center/Downtown Area communities. The amendment also includes amending the Circulation Element of the General Plan to remove the Highway 79 Policy Area, Additionally, the project also proposes the creation of new Design Guidelines for the Winchester Policy Area.

The Project area is more specifically located within the southwestern portion of the County of Riverside (County) and is almost entirely within the existing General Plan’s Highway 79 Policy Area boundary; the project area is accessible by the State Route 79 (SR-79), which bisects the project area in a north-south direction, and State Route 74 (SR-74), which bisects the project area in an east-west direction. The project area is surrounded by unincorporated County land and the city of Hemet to the north and east, unincorporated County land and the cities of Murrieta and Temecula to the south, and the cities of Murrieta and Menifee to the west.

The above are collectively described herein as the Project or project.

PROJECT RECOMMENDATION

STAFF RECOMMENDATIONS:

THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTION(S):

ADOPT Planning Commission Resolution No. 2024-009; thereby,

RECOMMENDING THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS:

CERTIFY the Program Environmental Impact Report (PEIR) (SCH# 2019049114), based upon the findings and conclusions provided in the PEIR attached hereto and incorporated herein by reference and the conclusion that the project could have a significant effect on the environment; and,

TENTATIVELY APPROVE General Plan Amendment No. 1207, based on the findings and conclusions provided in this staff report and all exhibits and subject to subsequent adoption of a General Plan Amendment cycle resolution by the Board of Supervisors, with the following actions: expand the Winchester Policy Area, remove the Highway 79 Policy Area and 9% reduction in trip generation, amend the boundaries of the General Plan Area Plans for Harvest Valley/Winchester, Sun City/Menifee, and Southwest, revise the Foundation Components and

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Land Use Designations of the General Plan in accordance with the new Winchester Policy Area, revise the General Plan Circulation Element to reflect the changes to the General Plan, and adopt the Winchester Community Design Guidelines.

PROJECT BACKGROUND AND ANALYSIS

Project Background:

The project, Winchester Community Plan (WCP) proposes to revise the Harvest Valley/Winchester Area Plan (HVWAP) (Attachment B). The HVWAP includes planning policies and direction to guide change, promote quality development, and implement the community's vision for the area that was established by the Winchester Community through public outreach and several community meetings. This project includes amending the General Plan's Land Use and Circulation Elements, administrative and implementation programs, and adopting the Winchester Community Design Guidelines to encourage high-quality development within the community, by addressing, land use and housing, community character and design, preservation of natural resources, open space and mobility and transportation.

Some highlights and key components of the project include the following:

1. Expansion of the existing Winchester Policy Area from approximately 287 acres to approximately 23,153 acres of land within the General Plan's Harvest Valley/Winchester Area Plan (Attachment C)
2. Amending the boundaries of the General Plan's Harvest Valley/Winchester, Sun City/Menifee, and Southwest Area Plans so that the expanded Winchester Policy Area falls within the limits of the Harvest Valley/Winchester Area Plan only (Attachment D)
3. Revising land use designations within the expanded Winchester PA, including Foundation Component amendments. Approximately 227 parcels totaling 1,480 acres would require Foundation Component Amendments that include changes from the Rural and Rural Community components to the Community Development component. Consistency zoning revisions would occur for approximately 921 parcels in the future as a result of the revised land use designations proposed as part of the project. The proposed land use changes are identified in (Attachment E).
4. Amending the General Plan's Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Menifee Valley Area Plan to remove the existing Highway 79 Policy Area language which will remove the 9% reduction in density for residential projects. This policy will be replaced with a fee on newly entitled dwelling units (not dwelling units already entitled), to fund mobility related improvements, such as but not limited to, a vehicle park-n-ride and transit station within the Winchester town center/downtown core area. These revisions to the Highway 79 Policy Area language will be carried throughout the General Plan document, where necessary, for internal consistency. The Highway 79 Policy Area boundary includes approximately 50,061 acres. (Attachment F).

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5. The creation of new Design Guidelines for the Winchester Policy Area (Attachment ##), that includes guidelines for architectural styles and designs that were desired by the community (Attachment G)

Winchester Policy Area – Proposed Revisions and key components

- The project includes the expansion of the existing Winchester Policy Area (“WPA”) from approximately 287 acres found in the County General Plan’s Harvest Valley/Winchester Area Plan (HVWAP) to the approximately 23,143 acres. The expanded WPA is generally located northwest of Diamond Valley Lake, straddling both sides of Winchester Road (SR 79), within the Winchester community portion of the HVWAP which is bordered on the north by Homeland/Romoland, on the south by French Valley, on the southwest by the city of Murrieta, on the east by the city of Hemet, and on the west by the city of Menifee. The expanded policy area would cause shifts in acreages between the surrounding General Plan Area Plans as the entire expanded policy area will remain within the HVWAP.
- The intent of this policy area is to create a sense of place and identity for the Winchester area. Highway 79 connects the WPA to Temecula and Interstate 15 to the south and to Beaumont and Interstate 10 to the north. The Town Center area is expected to grow as a well-designed community with pedestrian orientated mixed-uses that will become recognized as the center of the Winchester area. Building upon the existing community character, the WPA is envisioned with a Western-theme for the Town Center.

The project proposes revisions to existing general polices to promote the intent of the WCP and a sense of place and identity for the residents within the Winchester Area. The proposed policy changes include but should not be limited to;

- Encourage mixed land uses within the WPA that promote the surrounding recreation, employment, and transit opportunities.
- A transit station should be sited in a central location of the WPA, to promote and encourage alternative means of transportation to work, home and to the pedestrian orientated mixed-uses within the Town Center and vicinity.
- Ensure sufficient pedestrian linkages throughout the WPA.
- New development should utilize the approved Winchester Design Guidelines and Standards to ensure quality development in the WPA.

Winchester Downtown/Town Center

- The project proposes minor revisions to existing polices within the WPA and for the Winchester Downtown-Town Center (Attachment H). The Core area is located within the heart of the community of Winchester, and it covers the roughly one square mile area of the community’s Winchester Town Center core. The core area includes one high residential area and nine Mixed-Use Areas (MUAs). The Town Center is bisected by Winchester Road (currently California Highway 79), which is the community’s main business corridor. A re-alignment of Highway 79 is planned for future development when

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funding becomes available. Winchester Town Center and vicinity provides for higher density opportunities to encourage residential development consistent with site's identified in the County's Housing Element (2021-2029). The Town Center retains a traditional "grid-like" street pattern, which will enable the future development of a vibrant, well-interconnected core with adequate multi-modal routes. Having adequate routes for automobile, pedestrian, bicycle, and transit, both inside the core and connecting to the core will reduce travel times and enhance convenient access to community facilities and services for both residents and visitors; and enhance the core's potential as an even more prominent local and sub-regional activity center.

- The Town Center ("or core") identifies ten-neighborhoods with polices to provide direction for future development. The Town Center area and neighborhood areas are important and have special significance to the residents of the Winchester community. Many of the policies for these areas were derived from citizen input provided during the planning process. The purpose of organizing the WPA's Town Center into distinct areas and neighborhoods includes but is not limited to:
 - Provide greater housing variety and density, more affordable housing, life-cycle housing (e.g. starter homes to larger family homes to senior housing), workforce housing, veterans housing, etc;
 - Create a sustainable multi-modal transportation network. Ex. Walkable, bicycle-friendly environments with increased accessibility via transit resulting in reduced transportation costs.
 - Encourage stronger neighborhood character and sense of place.
 - Reduce distances between housing, workplaces, retail businesses and other amenities and destinations.

Design Guidelines – Winchester Policy Area

- The project proposes design guidelines for the Winchester Policy Area. The Guidelines address site planning, architecture, walls/fencing, landscaping gateways/monuments and trails within the Policy Area including the Downtown/Town Center core area. The design guidelines application to the WPA will promote and establish a; community character, provide consistency for the built environment, promote open space and trail preservation, continue to encourage recreational opportunities, and promote transit orientated design more focused for the Downtown/Town Center Core area.

Highway 79 Policy Area

The HWY 79 Policy Area and associated program was created as a response to address concerns from neighboring cities, Temecula, Murrieta, and Menifee to reduce potential traffic impacts from increased vehicle traffic flow to access Interstate 15 and 215. The purpose of the Highway 79 Policy Area was to address transportation infrastructure capacity within the Policy area. The program established guidelines to be incorporated into individual Traffic Impact Analysis that would monitor overall trip generation from residential development to ensure that overall, within the Highway 79 Policy Area development projects produce traffic generation at a level that is 9% less than the trips projected from the General Plan traffic model for residential land use designations. The project was revised to remove the Highway 79 Policy Area and

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related policies from the HVWAP, and associated plans. Additionally, the County's Circulation Element Policies C 2.6 and C 2.7 were revised to address the removal of the Policy Area (Attachment K).

In July 2022, the Project's Draft Program Environmental Impact Report (EIR) was prepared, which included an analysis of the 9% residential density reduction as discussed in Section 4.17, Transportation, of the EIR. As a component of the EIR, pursuant to the requirements of Senate Bill 743 (SB 743), a VMT Analysis was prepared by Kimley-Horn Associates dated December 1, 2020 analyzing VMT impacts on residential land uses, employment land uses (excluding retail), local-serving retail uses, and regional-serving retail or other unique land uses. The VMT Analysis determined that the Residential land uses proposed by the Community Plan would result in significant and unavoidable VMT impacts while the Employment-Based and Retail Use VMT were determined to be less than significant.

The EIR also analyzed specific project design elements, VMT reducing policies and improvements, and other measures (including the planned Caltrans alignment of Highway 79) to reduce traffic in this area. Project design elements that are VMT reducing, as described within the Draft Winchester Design Principles, include specific design direction related to Smart Growth, Transit Oriented Development, Sustainability, and Mixed-Use projects, all of which may reduce project VMT. VMT reducing policies and improvements, presented in full in Appendix E of the EIR, describe the establishment of a framework for a programmatic approach to policies and improvements that respond to the need for feasible VMT mitigation within the project area. Identified VMT mitigation opportunities include the following: Transportation Demand Measures; Implementation of SCAG SB 375 Measures; Transit and Multimodal Improvements; and Establishment of a VMT Bank/Exchange. In addition, future development in the project area would be subject to payment of applicable County Development Impact Fees including the TUMF and would be conditioned to construct roadway improvements as identified in the TUMF Transportation Improvement Plans (TIPs) to offset potential transportation impacts resulting from future development. Finally, on December 16, 2016, the California Department of Transportation (Caltrans) concluded several years of studies and environmental reviews as it signed its Record of Decision establishing Highway 79 Realignment Project Alternative "1br" as its preferred alternative for the highway realignment project, as it moves forward. Project Alternative "1br" would realign and widen Highway 79 throughout the project area to a limited-access, four-lane expressway. The Caltrans realignment project would provide further improved circulation and traffic capacity to accommodate growth in Winchester and surrounding communities.

A Nexus study was completed to establish the nexus between new residential development in the proposed Winchester Policy Area and the necessity for the proposed Metrolink station and Park and Ride facility proposed with this project. Specifically, this Nexus Study examined the relationship between the proposed removal of a 9% residential density reduction from the Harvest Valley/Winchester Policy Area, which includes the Winchester Policy Area, and the need for a Metrolink Station and Park and Ride

Based on this analysis, the EIR required mitigation for VMT impacts related to future residential development and identified mitigation requiring the development a of a VMT Mitigation Fee to

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offset Residential VMT impacts for areas outside the Downtown Core/Town Center (Mitigation Measure TRA-1). The measure explicitly excludes non-residential (Employment and Retail) uses since the VMT Analysis determined that impacts associated with these uses would be less than significant. It also excludes the Downtown Core/Town Center area, as this area is proposed for mixed use and higher density residential development, proximal to future transit connections.

Additionally, the Nexus Study's intent was to establish a needed VMT Mitigation Fee by demonstrating the nexus between the Metrolink Station and Park and Ride Facility and outline the basis for a tiered per dwelling unit (DU) cost (mitigation fee) to allow for the development of transit and park and ride facilities in the Downtown Core/Town Center area. The mitigation fee proposed it to be applicable to all new residential development for each unit/parcel that is entitled/approved after the adoption/effective date of this Ordinance. The fee applies to all new residential development within the HVWAP's Winchester Policy Area, only. As stated above, this fee does not apply to the identified Downtown Core/Town Center area or commercial/industrial uses within the Winchester Policy Area.

An updated Nexus study (2024) (Attachment I) was prepared with new analysis including, taking into account the removal of the Highway 79 Policy Area. The intent to establish a new fee subject to the analysis to allow for the development of the previously identified Metrolink Station and Park and Ride Facility within the Downtown Core/Town Center area. The fees are calculated to ensure that new developments contribute fairly to the costs of the development of the transit, park and ride and associated infrastructure improvements.

The new community benefit fee will be applicable to all new residential development and includes residential development within the Downtown Core/Town Center area and Specific Plans. The removal of the Hwy 79 Policy Area and the required 9% reduction in residential density is expected to equate to an approximately 12,329 additional residential units being allowed within the proposed WPA. The fee will be payable prior to building permit issuance. The proposed maximum fees applicable to new development are identified below:

- **Single-Family Residential:** \$0.96365 per square foot
- **Multi-Family Residential:** \$0.50281 per square foot
- **Accessory Dwelling Units (ADUs):** \$0.28113 per square foot

General Plan Land Use Changes

The project includes Foundation Component (FC) and Entitlement/Policy General Plan Amendments. The County's General Plan includes five broad foundation component land uses (Agriculture, Rural, Rural Community, Open Space and Community Development) which include more detailed land use designations at the area plan level. A FC amendment is required in a variety of scenarios including when a project proposes an amendment from a Rural component to the Community Development component. An Entitlement/Policy amendment is typically required when an amendment involves changes in land use designations or policies that involve

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land located entirely within a particular FC but that do not change the boundaries of that component.

The FC and Entitlement/Policy amendments included with this project are located in the northeastern portion of the Winchester PA, generally between Simpson Road and Stetson Avenue, and between Double Butte and California Avenue, and in the southwestern portion of the community, between Scott and Wickerd Roads, and between Leon and Abbott Roads. The proposed amendments would involve 227 parcels totaling approximately 1,480 gross acres. The proposed amendment would change FC from Rural (R) and Rural Community (RC) to Community Development (CD), and amend the accompanying land use designations from Rural Residential (RR) and Estate Density Residential (EDR) to Low Density Residential (LDR), Medium Density residential (MDR), Commercial Retail (CR), Business Park (BP), and Light Industrial (LI). Within the project area, the change between the existing Riverside County General Plan development potential and the project's development potential, as analyzed in the Project's Programmatic EIR (PEIR) (Attachment J). Proposed General Plan Land Use Changes, and depicted on Exhibit 3-11, Proposed Winchester Policy Area Land Use Designation Changes (Attachment E).

General Background:

Development for the unincorporated County is guided by the Riverside County General Plan. The Riverside County General Plan is divided into 19 Area Plans covering most of the County. One of these area plans is the Harvest Valley/Winchester Area Plan (HVWAP) which is generally located in southwestern Riverside County. HVWAP provides tailored policy direction relating to land use, circulation, open space, and design for unincorporated areas within the area plan boundary, including the community of Winchester.

Several important planning studies and actions have taken place in recent years that have facilitated the proposed project, including the Winchester Land Use Study (2012), the Riverside County 2013-2021 and 2021-2029 Housing Elements (of the General Plan), and Caltrans' Record of Decision regarding the preferred route of the Highway 79 realignment project (2016).

In September 2012, with funding provided by the County's Economic Development Agency, the conceptual Winchester Land Use Study was completed by Tierra Verde Planning. This study identified preferred land use planning options for the community based on extensive public outreach and public input.

In 2016, Caltrans issued a Record of Decision establishing a preferred alternative for the realignment of Highway 79. This alternative would realign and widen Highway 79 throughout the project area; thereby, providing improved circulation and traffic capacity for the area.

On December 6, 2016, the Board of Supervisors adopted GPA No. 1122 and Change of Zone (CZ) No. 7902, thereby adopting the County's 2013-2021 "5th Cycle" Housing Element, and as part of that project, amended the Harvest Valley/Winchester Area Plan to establish land use designations for nine MUA (Mixed-Use Area) and one HHDR (Highest Density Residential) neighborhood areas located in and immediately adjacent to the historic core of Winchester. In

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addition, these MUA and HHDR neighborhood areas were also rezoned to the County's new MU (Mixed-Use) and R-7 (Highest Density Residential) Zones, respectively. Together, these neighborhood areas provide the basis for the future development of a more intense, mixed-use, and vibrant and walkable core for Winchester. The County's 2021-2029 6th Cycle Housing Element Update (adopted June 25, 2024) also includes the amended land use designations for these neighborhood areas.

General Plan Consistency

State law requires internal consistency of the County's General Plan, including consistency of policy within an element and consistency of policy with other elements. GPA No. 1207 will add new policies and revises existing policies to the HVWAP WPA and the Land Use Element. All new and revised policies were analyzed and do not create internal conflict with HVWAP (a component of the General Plan) and the Land Use Element or conflict with other elements of the General Plan.

Airport Land Use Commission (ALUC)

The proposed project was submitted to the Riverside County Airport Land Use Commission (RCALUC), pursuant to Public Resource Code Section 21676, which requires a review of projects for consistency with the airport land use compatibility plans. On September 8, 2022, RCALUC reviewed the proposed project and determined the proposed update to the HVWAP is consistent with the Hemet-Ryan Airport Land Use Compatibility Plan, March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, and the French Valley Airport Land Use Compatibility Plan. The RCALUC determined the project proposal would not create an immediate impact on the safety of air navigation within airport influence areas. To ensure consistency, polices and text revisions are proposed that direct any future development project within a recognized compatibility plan shall be subject to review by the RCALUC. Additionally, the airport compatibility plans will be removed as projects will be better served through a review by the RCALUC ensuring projects are consistent and compatible with the most current requirements.

CEQA Compliance

A Program Environmental Impact Report (PEIR) (Attachment J) (State Clearinghouse No. 2019049114) for the Winchester Community Plan ("Project") has been prepared in conformance with CEQA (California Public Resources Code Section 21000 et seq.), State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and the rules, regulations, and procedures for implementation of CEQA, as adopted by the County of Riverside. The principal State CEQA Guidelines sections governing content of this document are Sections 15120 through 15132 (Contents of Environmental Impact Reports), and Section 15168 (Program EIR). The PEIR analyzes the environmental effects of the proposed project to the degree of specificity appropriate to the current proposed actions, as required by Section 15146 of the State CEQA Guidelines. The analysis considers the activities associated with the project to determine the short-term and long-term effects associated with their implementation.

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This Program EIR identifies General Plan goals and policies, County ordinances, and mitigation measures and related performance standards that the County would apply to future proposed projects. In future site-specific review, the County would apply the performance standards set forth in this Program EIR to confirm with mitigation measures proposed in the Program EIR to effectively avoid or reduce potential environmental impacts proposed by a future project (State CEQA Guidelines Section 15126.4(a)(1)(b)).

State CEQA Guidelines § 15126.2(b) requires that the EIR describe any significant impacts, including those that can be mitigated but not reduced to less-than-significant levels. The environmental effects of the proposed “Project” are addressed in this Program EIR. The PEIR identifies compliance with CEQA requirements for potential environmental affects that can be mitigated with measures to a less than significant impact except for the following: Agricultural Resources, Air Quality, Greenhouse Gasses, Land Use and Planning, Noise and potential Transportation.

Based on the findings and conclusions provided in the PEIR, attached hereto and incorporated herein, prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines, it concluded that all impacts were analyzed pursuant to applicable legal standards and it was determined the Project’s implementation will result in the occurrence of significant effects which are identified in the PEIR but could not avoided or substantially lessened, and therefore a Statement of Overriding Considerations in compliance with Section 15093 has been prepared for this project.

Posting/Availability of the PEIR – In accordance with State CEQA Guidelines Sections 15087 and 15105

- ❖ PEIR posted on the Planning Department’s public website and availability of PEIR shared on social media on July 5, 2022.
- ❖ Planning Commission Public Hearing Notice published in the Press Enterprise on September 7, 2024 and directly mailed to property owners of lots with proposed General Plan Land Use changes on September 3, 2024.
- ❖ PEIR circulated for public review and comment through the State Clearing House (SCH#2019049114) from July 5, 2022 through September 23, 2022.
- ❖ PEIR notice emailed directly to Tribes that responded to SB 18/AB 52, July 6, 2022 and Public Hearing notice September 10, 2024.
- ❖ Shared PEIR availability with applicable local cities, agencies, and County departments.
- ❖ Shared PEIR availability by email with community members that participated in prior community outreach events that provided an email address.
- ❖ Shared PEIR availability on the Supervisorial District 3 Newsletter, website and via email (email-blast to the District 3 email list).

Public Review DEIR Comment Letters

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Twenty-five (25) comment letters were received during a 90-day public review period posted July 5, 2022. These comments were reviewed, and detailed responses to each comment letter was prepared and included in the Final EIR, which was posted on the Planning Department's website on August 19, 2024, with mailed notices to commenters sent on August 19, 2024.

The majority of the 25-comment letters requested general information regarding the project's status the proposed Plan update, design guidelines, requested for project sites to be considered for land use changes and the fee and proposed measures to mitigate for potential increased traffic that will be allowed due to increased housing units/residents as a result of the removal of the nine percent (9%) cap on residential development within the Highway 79 Policy Area.

A property owner/comment letter requested the Light Industrial Land Use to remain in place on APN's 461-140-033 through 036, approximately 6.9 acres. Additionally, APN 461-140-009, an approximately .60-acre parcel is adjacent to the parcels and for consistency is recommended by staff to maintain the Light Industrial land use. The current General Plan Land Use Designation for the properties is Light Industrial and Rural Residential Zoning and is the logical designation due to their proximity to the existing railroad tracks, an intersection with potential excessive noise impacts and EMWD treated effluent storage ponds, support this land use as opposed to a residential land use designation. Retaining the existing General Plan Land Use and Zoning Designation would not result in a more intensive use above existing conditions nor new impacts not previously evaluated in the Draft PEIR. The County agrees with the justification and will retain the existing General Plan and Land Use Designation.

Senate Bill 18 and Assembly Bill 52

State law requires that an opportunity for consultation be made available to Native American Tribes in the County when considering a general plan amendment and a CEQA project compliance document, pursuant to Senate Bill (SB) 18 and Assembly Bill (AB) 52, respectively. SB 18 and AB 52 letters were sent to affected Tribes on November 1, 2017 (SB-18) and October 20, 2017 (AB-52), respectively. AB 52 consultation was required, since an PEIR was prepared for the Project. In response to the letters sent, three (3) Native American Tribes requested consultations (Pechanga Band, Soboba Band and Rincon). The Pechanga Tribe provided information that two Tribal Cultural Resources had been identified as Tribal Cultural Properties and that the entire Winchester area was recognized as having the numerous Tribal cultural resources. The Pechanga Tribe and Soboba Tribe recommended that all development projects be required to complete a cultural resources study/survey and any resources be avoided. The Rincon Band's consultation concluded that the project site was outside of their reservation boundaries and therefore no additional consultations would be required.

In addition to the SB 18/AB 52 process, the public notice for the PEIR was sent via electronic mail (Email) to the Tribes that consulted on this project on July 6, 2022.

This project does not propose any ground disturbance. Any future implementing projects will be subject to a review for potential impacts to cultural resources "site specific" in compliance with CEQA requirements. All requested consultation was concluded as required.

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FINDINGS AND CONCLUSIONS

General Plan Entitlement/Policy Amendment Findings

GPA No. 1207 also includes a *General Plan Entitlement/Policy Amendment* that revises the HVWAP (WCP) and adds related Land Use Element policies and update land use designations within the same Foundation Component. Accordingly, the findings supporting this type of General Plan amendment, pursuant to Ordinance No. 348, Section 2.4.C.2. **a., b., c. and f.**, are as follows:

a: The proposed amendment does not involve a change in or conflict with: The Riverside County Vision, any General Plan Principle set forth in General Plan Appendix B; or any Foundation Component designation in the General Plan.

1. The Riverside County Vision:

- a. GPA No. 1207 supports many of the fundamental values listed in the Riverside County Vision (“Vision”) Chapter of the County’s General Plan, including, but not limited to, the *Community, Health, Inter-relatedness, Risks, Diversity, Equity, Valued Contributions, Varied Communities, Balance, Creativity and Innovation, Distinctiveness, Livable Centers, Housing, Natural Environment, Multi-Modal Transportation, Employment, Safety, Planning Integration, Sustainability, and Recreation.*

GPA No. 1207 proposes to (1) update General Plan Land Uses to provide diversity in land uses and development opportunities, (2) update and add new policy that mainly provides direction for design and character of this growing community, and (3) update planning areas, many of which provide for a mix of uses that promote density and active transportation, thereby, supporting the fundamental values of the Vision listed above, especially *Community, Health, Inter-relatedness, Valued Contributions, Creativity and Innovation, Livable Centers, Employment, and Recreation.*

One of the fundamental values of the Vision is *Varied Communities* (Vision Statement, p. V-5). GPA No. 1207 will complete an ongoing community-scale, community-specific planning effort that enhances General Plan Land Use and other policies within an existing policy area that aims to provide direction for the orderly development, of residential, commercial and light industrial, specifically for one of the County’s various unincorporated communities that will, “...contribute to [the] overall quality of life” for the Winchester community.

Another of the fundamental values of the Vision is *Housing* (Vision Statement, p. V-6). The land uses proposed by GPA No. 1207 will provide options for more housing units, including affordable housing, with the implementation of the long-range plan for this community. Housing is “...one of the most basic community

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needs...,” and ongoing shortages in housing may have “negative impacts on our communities.” Therefore, the development and growth opportunities that GPA No. 1207 provides supports the Riverside County Vision.

Lastly, a fundamental value of the Vision is *Planning Integration* (Vision Statement, p. V-6 - 7). GPA No. 1207 supports the County’s approach to planning on a community scale with simple and focused policies. GPA No. 1207 is focused on a unique community that is adjacent to a growing urban area. The proposed amendment makes appropriate land use changes that will facilitate development and reduces the amount of existing policies that apply within the policy area by updating policies and eliminating redundancy and obsolete policies.

- b. The *Our Communities and Their Neighborhoods* section of the Vision states, “Innovative designs allow for increased density in key locations, such as near transit stations, with associated benefits. In these and other neighborhoods, walking, bicycling, and transit systems are attractive alternatives to driving for many residents.” The proposed amendment encourages higher densities within the Town Center core area that proposes a multi-model transit station an extensive network of transit stops and a bus line stops in and around the general vicinity that connects to regional transit and commuter bus lines. In addition, higher densities and mixed uses provide for internal capture of vehicle trips and may incentivize active transportation (i.e. walking, biking, and use of transit) as an alternative driving personal vehicle.

2. General Plan Principles:

- a. Community Development Principle I.C.1., *Maturing Communities*, states, “...every community in the County is maturing in its own way, at its own pace and within its own context. Policies and programs should be tailored to local needs in order to accommodate the particular level of anticipated maturation in any given community.” Winchester is a maturing community, and the revision and expansion of the WPA provides general direction for the appropriate growth and development of this community today and the community’s goals. GPA No. 1207 creates tailored policies that apply to the whole community or specific areas in the community; additionally, this amendment changes land use designations as appropriate to allow for the anticipated maturity of the Winchester Town Center and areas of the Policy area as envision by stakeholders.
- b. Community Development Principle I.G.1., *Efficient Land Use*, states, “The County should encourage compact and transit-adaptive development on regional and community scales. The policy goal is to permit and encourage increased densities and intensities, and to reduce the land required for public infrastructure....” GPA No. 1207 supports the MUA designation within the Town Center core area, which promotes density and diversity of land uses, for various planning areas in the community identified as Neighborhoods. The proposed

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land uses promote the use of transit and capture vehicle trips internally because the land uses interact better, which may reduce the reliance of travel by vehicles supports this principle. The availability of alternative modes of transportation may reduce the land required for public infrastructure, thereby, supporting this principle.

- c. Transportation Principle III.E.1.d., *Mass Transit*, states, “Varied forms of transit systems should be considered, based on service potential, cost, flexibility and reinforcement of more efficient land use.” . . .” Locating as many community activities as possible within easy walking distance of transit stops.” GPA No. 1207 proposes a MUA designation, which promotes density and diversity of land uses, for various planning areas in the community identified as Neighborhoods, which were planned with a future commuter strategically centered located multi-model transit station with parking and shuttle accommodations. The proposed land uses and density of transit stops provides an ideal situation for transit-oriented development that provides for active transportation, which supports this principle.
- d. Transportation Principle III.E.1., *Pedestrian, Bicycle and Equestrian Friendly Communities*, states, “Bicycle and pedestrian paths should be conveniently located and linked to commercial, public, educational and institutional uses.” The proposed amendment supports this principle because GPA No. 1207 creates policies and proposes changes that that promote active and healthy lifestyles, including policies that encourage the development of infrastructure that link all areas and destinations within a community.
- e. Community Design Principle IV.A., *Community Variety, Choice and Balance*, establishes an intent “to foster variety and choice within communities, provide opportunity for housing variety and availability, provide for balanced growth of communities, revitalize existing communities through development of under used or vacant sites, and provide for higher density and urbanization of appropriate areas.” The proposed community-scale project provides for all of the above with an emphasis on creating orderly and appropriate development and growth that meets the goals and needs of the community.
- f. Community Design Principle IV.B.1., *Unique Communities*, states, “The General Plan should promote development of a ‘unique community identity’ in which each community exhibits a special sense of place by retaining distinct edges and sufficient open space between scattered urbanized areas. This will facilitate the buildout of existing communities, as well as the creation of new towns, each of which have distinct boundary and edge conditions.” The Winchester Town Center with a majority of MUA is located within the WPA which is bounded by Olive Avenue and Salt Creek on the south, Grand Avenue on the north, Rice Road on the west, and Patterson Avenue on the east, and extends northward to Grand Avenue, southeast of Double Butte, which will provide design features that will create an identity recognizable to surrounding communities, and adjacent

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cities. GPA No. 1207 is planning project to accommodate and support the future growth of the existing Winchester community.

3. Foundation Component:

The proposed amendment includes Foundation Component changes within the WPA from one Foundation Component into another. The parcels/foundation components designed for changes are located in the northeastern portion of the Winchester PA, generally between Simpson Road and Stetson Avenue, and between Double Butte and California Avenue, and in the southwestern portion of the community, between Scott and Wickerd Roads, and between Leon and Abbott Roads proposing to change the Rural and Rural Community to a Community Development Foundation component, which is more appropriate for residential development that is envisioned for the Winchester community.

GPA No. 1207 does not involve a conflict with any Foundation Component because all General Plan Land Use designations will ultimately conform to applicable Foundation Component. Foundation Components and land use designation changes were analyzed and were found not to create internal conflict with HVWAP (a component of the General Plan), the Land Use Element, and other elements of the General Plan. findings for the approval of all changes to/from Foundation Components are made and provided in the General Plan Technical Amendment and General Plan Foundation Component Amendment findings sections herein.

b: The proposed amendment would either contribute to the purposes of the General Plan or, at a minimum, would not be detrimental to them.

State law requires internal consistency of the County's General Plan, including consistency of policy within an element and consistency of policy with other elements. GPA No. 1207 will add new policy and revises existing policies to the HVWAP, specifically to the WPA, and will make land use designation changes within the new expanded WPA, which are focused on the purpose of the Project that is to improve growth and development for this community. All new and revised policies and land use designation changes were analyzed and do not create internal conflict with HVWAP (a component of the General Plan), the Land Use Element, and other elements of the General Plan.

c: Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan.

There have been several planning efforts that have influenced the planning direction of the Winchester community, including General Plan Land Use changes associated with General Plan Amendment No. 960 (latest Comprehensive Update to General Plan). The need for a community-scale planning effort was brought to the forefront while processing GPA No. 960. Therefore, the County of Riverside processed a community-scale planning effort (GPA No. 1207) that focused on the expansion of the WPA adding new polices, revising existing polices and other pertinent changes within the Area plan.

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However, GPA No. 1156 could not fully address all necessary changes to the General Plan Land Use designations within the proposed expansion to the WPA due to the General Plan Certainty System, which guarantees that foundational land uses do not change frequently. In 2016, the window to change foundational land uses opened up, allowing for the initiation of GPA No. 1207 that would allow for further review and amendments of the General Plan Land Use designations within the WPA along with other associated amendments, especially those that necessitate foundational changes that could not be changed with GPA No. 1207. The aforementioned special circumstances emerged as a result of and were unanticipated prior to preparation of the latest comprehensive update to the General Plan.

Additionally, since the General Plan update, the state identified a housing crisis, a shortage of housing units, which impacts Riverside County's housing needs, especially for affordable housing. This may be considered a special circumstance or condition that was unanticipated in preparing the General Plan. The County's Housing Element provides goals and direction regarding the County's housing needs. The proposed revision to the HVWAP includes recommendations, and policy's other than what exists that may facilitate the production of more housing, which will help meet the housing goals and needs of the County, which will contribute to the housing supply of the County and state. Therefore, approval of GPA 1207 may be considered appropriate changes to the County's General Plan.

- f: An amendment is required to expand basic employment job opportunities (jobs that contribute directly to the County's economic base) and that would improve the ration of jobs-to-workers in the County.**

General Plan Amendment No. 1207 will expand basic job opportunities that contribute directly to the County's economic base and improve the ratio of jobs-to-workers in the County. This amendment expands land uses within the established WPA. Land uses within the Winchester Town Center core are reorganized into more appropriate configurations and mixed-use areas have been established. The mixed use areas provide for a wide variety of residential and commercial support uses within close proximity to each other. The proposed amendment is necessary to encourage appropriate growth that in turn provides new commercial and light industrial development opportunities and result in subsequent job creation and general employment growth.

General Plan Technical Amendment Findings

GPA No. 1207 is also a *General Plan Technical Amendment* that removes the Highway 79 Policy Area and amends land use designations concentrated within the expanded WPA to support proposed standards for residential within the WPA. Accordingly, the findings supporting this type of General Plan amendment, pursuant to Ordinance No. 348, Section 2.4.C.1. **a. and e.**, are as follows:

- a: The proposed amendment would not change any policy direction or intent of the General Plan.**

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GPA No. 1207 will amend land use designations for identified properties within the WPA that are consistent with the existing land uses providing opportunities for jobs and expanding areas for future residential development by providing housing options for Winchester residents and to support expansion and growth of the Winchester area. All land use designation changes were analyzed and do not change the policy direction or intent of HVWAP (a component of the General Plan) or other elements of the General Plan.

d, e: A minor change of boundary will more accurately reflect geological or topographic features, or legal or jurisdictional boundaries.

Highway 79 Policy Area is to address transportation infrastructure capacity in the policy area which is identified on Area Plan Policy Area maps. The Policy Area encompasses the Harvest Valley/Winchester Area Plan and sections of the Sun City/Menifee and Southwest Area Plan's. This project proposes to remove the HWY 79 Policy Area that will require minor changes to the maps removing the identified jurisdictional boundaries, therefore eliminating any potential confusion with regards to implementation of General Plan Policies.

Conclusions

Based on the above findings, the Project is in conformance with Ordinance No. 348, and with all elements and components of the Riverside County General Plan; protects the public's health, safety, and general welfare; and, will not have a significant effect on the environment.

PUBLIC OUTREACH

Community/Public Outreach

The Riverside County Planning Department has held several previous meetings and workshops regarding the Winchester Community Plan Project to seek community input for the expansion of the community planning effort, as summarized below. Community input helps define policies and design features that will shape the future of development for the Winchester area. The meetings and workshops were coordinated with the Winchester-Homeland Municipal Advisory Council (WHMAC), held at their meeting facility at Domenigoni Community Center, 32665 Haddock Street, Winchester, and open to the public. The following provides an overview of the public outreach meetings and schedule:

- February 9, 2017: Community Advisory Council Meeting: Project Introduction at the Winchester-Homeland Municipal Advisory Council (WHMAC). A PowerPoint presentation was given at this meeting which introduced the project and provided details regarding the project's history, land use, examples of mixed-use development, examples of design guideline, project schedule. County/consultant staff answered questions regarding the project as appropriate.
- May 11, 2017: Community Workshop Meeting No. 1: Community Input on the Winchester Community Plan: This meeting provided the opportunity for participants to provide their thoughts, concerns and hopes for their community. The meeting included an interactive

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post-it notes exercise where participants were directed to identify treasures, challenges and visions for the Winchester area.

- September 14, 2017: Community Workshop Meeting No. 2, Community Visioning: Attendees learned about the planning process and heard a summary of the treasures, challenges, and visions discussed at the first community meeting. Additionally, the workshop attendees also participated in an interactive “Open House” style exercise, with five different stations set up stations around a room. The five stations were land use, community design, housing, open space and recreation, and mobility and transportation. The attendees were encouraged to engage staff with questions and use post-it notes to and maps to record their thoughts, concerns and hopes for the future for the Winchester Community.
- February 8, 2018: Community Workshop Meeting No. 3, Visioning (Land Use Concepts): Workshop attendees watched a brief presentation highlighting the methodology for how the project team determined what areas in Winchester are most available to be planned, areas that do not have existing or proposed entitlements or recent planning efforts such as general Plan Amendments or Policy Area designations. Three draft land use concepts (exhibits) were provided to the community for review. An “Open House” style workshop with attendees encouraged to review the concepts discuss any concerns or questions with staff members and use post-it notes to record their ideas and hopes on each concept, which were used to develop a baseline and serve as a foundation for the land use planning effort for the Winchester area/plan.
- October 11, 2018: Community Workshop No. 4, Draft Land Use Plan: The presentation covered the community engagement efforts related to the plan to date, including the history of and visioning for the Winchester Community, alternative ideas and land use topics for the plan area, and potential land use alternatives. A preferred land use alternative map/exhibit takes into consideration existing entitlements and specific plans, natural barriers to development, current community culture, and feedback from both the Community and the local Land Use Committee was created and presented at the meeting. The map was broken into three maps that identified proposed land use designation changes (Entire Area of the Plan), proposed land use designation changes (Downtown Core Area), and a draft land use plan with updates. Workshop attendees were encouraged to write directly on the enlarged maps to record their thoughts, which were used in the analysis for proposed update to the Winchester Plan.
- April 14, 2022: Winchester – Homeland MAC: Project presentation to provide an update and status of the project, presented draft final maps and provide details regarding the environmental documentation CEQA – process.
- June 5, 2024: Planning Commission Workshop: Project presentation to provide a project overview and update and schedule for the project moving forward in a public workshop before the Planning Commission.
- June 13, 2024: Winchester – Homeland MAC: Project presentation to provide a project overview and update and schedule for the project moving forward.

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- August 8, 2024: Winchester – Homeland MAC: Project presentation to provide a project overview and update and schedule for the project moving forward.
- September 4, 2024: City of Menifee: Project presentation to provide a project overview and update for the schedule moving forward.

Each meeting was attending by approximately 40-60 attendees consisting of WHMAC and Winchester residents, property developers and responsible agency/utility providers.

In addition, to the above public outreach, a dedicated webpage was created at the commencement of the project that is still available for the public today. The Winchester Community Plan webpage (<https://planning.rctlma.org/winchester-communityplan>) is the platform used for information sharing for this project. All documents available for public consumption associated to this Project were made available through this webpage or the Planning Department's website. Additionally, social media was also used to share information for the Project.

PUBLIC HEARING NOTIFICATION

The Project was advertised in the Press Enterprise Newspaper on September 7, 2024, pursuant to Section 1.6, 1.7, 1.8 of Riverside County Ordinance No. 348 for the September 18, 2024 Planning Commission meeting. In addition to publishing a large public hearing notice (1/8th page) in the newspaper as required for the public hearing, a direct notice was provided via electronic mail (email) on September 11, 2024 to recognized interested Agencies, Native American Tribes and identified stakeholders on the availability of draft documents. The email included a link to the County's webpage where the draft Winchester documents was located for review and comment prior to the Planning Commission hearing. In addition, at least 10-days prior to the hearing, a notice was mailed to 738 property owners of lots proposed for General Plan Land Use changes.

All project documents are available on the Planning Department's public website <https://planning.rctlma.org/winchester-communityplan>, and availability was shared via social media and email. Any member of the public is welcome to provide comments or concerns during the Planning Commission public hearing.

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ATTACHMENTS:

- Attachment A: Planning Commission Resolution No. 2024-009**
- Attachment B: Proposed Harvest Valley/Winchester Area Plan with Revisions**
- Attachment C: Proposed Winchester Policy Area**
- Attachment D: Proposed Harvest Valley/Winchester Area Plan Boundaries**
- Attachment E: Proposed – Land Use Changes**
- Attachment F: Highway 79 Policy Area**
- Attachment G: Proposed Draft Design Guidelines**
- Attachment H: Proposed Winchester Downtown - Town Center**
- Attachment I: Nexus Study Draft**
- Attachment J: Final Program Environmental Impact Report**
- Attachment K: Draft Chapter 4, Circulation Element Revision**
- Attachment L: Draft Southwest Area Plan**
- Attachment M: Draft San Jacinto Valley Area Plan**
- Attachment N: Draft Sun City/Menifee Valley Area Plan**



Harvest Valley/ Winchester Area Plan

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Harvest Valley/Winchester Area Plan

General Plan Amendments adopted since 12/31/09

- GPA No. 727, BOS RSLN 2010-138, 05/25/10;
- GPA No. 1110, BOS RSLN 2013-279, 12/17/13;
- GPA No. 1128, BOS RSLN 2015-214, 09/22/15;
- GPA Nos. 943, 973; BOS RSLN 2016-098, 03/29/16;
- GPA No. 1146, BOS RSLN 2019-050, 04/16/19;
- GPA No. 1207, BOS RSLN 2023-###, DATE HERE
- GPA No. 1075, BOS RSLN 2011-156, 10/18/11;
- GPA No. 1120, BOS RSLN 2014-222, 12/24/14;
- GPA No. 960, BOS RSLN 2015-260, 12/08/15;
- GPA No. 1122, BOS RSLN 2016-234, 12/06/16;
- GPA No. 190006, BOS RSLN 2021-183; 09/28/21

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Harvest Valley/Winchester Area Plan

Vision Summary

The County of Riverside General Plan and Area Plans have been shaped by the [Riverside County Integrated Project's \(RCIP\) Vision](#). Following is a summary of the Vision Statement that includes many of the salient points brought forth by the residents of the Harvest Valley/Winchester Area Plan as well as the rest of the County of Riverside. The RCIP Vision reflects the County of Riverside in the year 2020 [and beyond](#). ~~So, fast forward yourself to 2020 and here is what it will be like.~~

"Riverside County is a family of special communities in a remarkable environmental setting."

~~It is now the year 2020. This year (incidentally, also a common reference to clear vision), is an appropriate time to check our community vision.~~ Twenty [plus](#) years have passed since we took an entirely new look at how the County of Riverside was evolving. Based on what we saw, we set bold new directions for the future. As we now look around and move through the County of Riverside, the results are notable. They could happen only in response to universal values strongly held by the people. Some of those values are:

- Real dedication to a sense of community;
- Appreciation for the diversity of our people and places within this expansive landscape;
- Belief in the value of participation by our people in shaping their communities;
- Confidence in the future and faith that our long term commitments will pay off;
- Willingness to innovate and learn from our experience;
- Dedication to the preservation of the environmental features that frame our communities;
- Respect for our differences and willingness to work toward their resolution;
- Commitment to quality development in partnership with those who help build our communities;
- The value of collaboration by our elected officials in conducting public business.

Those values and the plans they inspired have brought us a long way. True, much remains to be done. But our energies and resources are being invested in a unified direction, based on the common ground we have affirmed

many times during the last 20 years. ~~Perhaps our achievements will help you understand why we believe we are on the right path.~~

Population Growth

~~The almost doubling of our population in only 20 years has been a challenge~~ Population growth has been an ongoing challenge, but ~~we the County have~~ has met it by focusing ~~that~~ growth in areas that are well served by public facilities and services or where they can readily be provided. Major transportation corridors serve our communities and nearby open space preserves help define them. Our growth focus is on quality, not quantity. That allows the numbers to work for us and not against us. We enjoy an unprecedented clarity regarding what areas must not be developed and which ones should be developed. The resulting pattern of growth concentrates development in key areas rather than spreading it uniformly throughout Riverside County. Land is used more efficiently, communities operate at more of a human scale, and transit systems to supplement the automobile are more feasible. In fact, the customized Oasis transit system now operates quite successfully in several cities and communities.

Our Communities and Neighborhoods

Our choices ~~in of~~ the kind of community and neighborhood we prefer ~~is are~~ almost unlimited here. From sophisticated urban villages to quality suburban neighborhoods to spacious rural enclaves, we have them all. If you are like most of us, you appreciate the quality schools and their programs that are the centerpiece of many of our neighborhoods. Not only have our older communities matured gracefully, but we boast several new communities as well. They prove that quality of life comes in many different forms.

Housing

We challenge you to seek a form of housing or a range in price that does not exist here. Our housing choices, from rural retreat to suburban neighborhood to exclusive custom estate are as broad as the demand for housing requires. Choices include entry level housing for first time buyers, apartments serving those not now in the buying market, seniors' housing, and world class golf communities. You will also find smart housing with the latest in built-in technology as well as refurbished historic units. The County of Riverside continues to draw people who are looking for a blend of quality and value.

Transportation

It is no secret that the distances in the vast County of Riverside can be a bit daunting. Yet, our transportation system has kept pace amazingly well with the growth in population, employment and tourism and their demands for mobility. We are perhaps proudest of the new and expanded transportation corridors that connect growth centers throughout the County of Riverside. They do more than provide a way for people and goods to get where they need to be. Several major corridors have built-in expansion capability to accommodate varied forms of transit. These same corridors are designed with a high regard for the environment in mind, including providing for critical wildlife crossings so that our open spaces can sustain their habitat value.

Conservation and Open Space Resources

The often-impassioned conflicts regarding what lands to permanently preserve as open space are virtually resolved. The effort to consider our environmental resources, recreation needs, habitat systems, and visual heritage as one comprehensive, multi-purpose open space system has resulted in an unprecedented commitment to their

preservation. In addition, these spaces help to form distinctive edges to many of our communities or clusters of communities. What is equally satisfying is that they were acquired in a variety of creative and equitable ways.

Air Quality

It may be hard to believe, but our air quality has actually improved slightly despite the phenomenal growth that has occurred in the region. Most of that growth, of course, has been in adjacent counties and we continue to import their pollutants. We are on the verge of a breakthrough in technical advances to reduce smog from cars and trucks. Not only that, but our expanded supply of jobs reduces the need for people here to commute as far as in the past.

Jobs and Economy

In proportion to population, our job growth is spectacular. Not only is our supply of jobs beyond any previously projected level, it has become quite diversified. Clusters of new industries have brought with them an array of jobs that attract skilled labor and executives alike. We are particularly enthusiastic about the linkages between our diversified business community and our educational system. Extensive vocational training programs, coordinated with businesses, are a constant source of opportunities for youth and those in our labor force who seek further improvement.

Agricultural Lands

Long a major foundation of our economy and our culture, agriculture remains a thriving part of the County of Riverside. While we have lost some agriculture to other forms of development, other lands have been brought into agricultural production. We are still a major agricultural force in California and compete successfully in the global agricultural market.

Educational System

Quality education, from pre-school through graduate programs, marks the County of Riverside as a place where educational priorities are firmly established. A myriad of partnerships involving private enterprise and cooperative programs between local governments and school districts are in place, making the educational system an integral part of our communities.

Plan Integration

The coordinated planning for multi-purpose open space systems, community based land use patterns, and a diversified transportation system has paid off handsomely. Integration of these major components of community building has resulted in a degree of certainty and clarity of direction not commonly achieved in the face of such dynamic change.

Financial Realities

From the very beginning, our vision included the practical consideration of how we would pay for the qualities our expectations demanded. Creative, yet practical financing programs provide the necessary leverage to achieve a high percentage of our aspirations expressed in the updated RCIP.

Intergovernmental Cooperation

As a result of the necessary coordination between the County of Riverside, the cities and other governmental agencies brought about through the RCIP, a high degree of intergovernmental cooperation and even partnership is now commonplace. This way of doing public business has become a tradition and the County of Riverside is renowned for its many model intergovernmental programs.

Introduction

Throughout the Area Plan, special features have been included to enhance the readability and practicality of the information provided. Look for these elements:



Quotes: quotations from the RCIP Vision or individuals involved or concerned with Riverside County.



Factoids: interesting information about Riverside County that is related to the element



References: contacts and resources that can be consulted for additional information



Definitions: clarification of terms and vocabulary used in certain policies or text.

The Harvest Valley/Winchester planning area is at a crossroads for two significant reasons. First, the Harvest Valley/Winchester planning area contains the east-west running State Route 74 and the north-south running State Route 79, both of which are major transportation corridors that will emerge as powerful regional influences. Second, the Harvest Valley/Winchester planning area contains the largest freshwater lake in Southern California: The Diamond Valley Lake. The Diamond Valley Lake will be the major factor in attracting growth and influencing the change in character of the area from rural to urban.

The Harvest Valley/Winchester Area Plan guides the evolving character of this place. The Harvest Valley/Winchester Area Plan is not a stand-alone document, but rather an extension of the County of Riverside General Plan and Vision. The County of Riverside Vision Statement details the physical, environmental, and economic characteristics that the County of Riverside aspires to achieve ~~by the year 2020~~. Using that Vision Statement as the primary foundation, the County of Riverside General Plan establishes policies for development and conservation within the entire unincorporated Riverside County territory. The Harvest Valley/Winchester Area Plan, on the other hand, provides customized direction specifically for this planning area.

This area plan doesn't just provide a description of the location, physical characteristics, and special features here. It contains a Land Use Plan, statistical summaries, policies, and accompanying exhibits that allow anyone interested in the continued prosperity of this distinctive area to understand the physical, environmental, and regulatory characteristics that make this such a unique area. Background information also provides insights that help in understanding the issues that require special focus here and the reasons for the more localized policy direction found in this document.

Each section of the Area Plan addresses critical issues facing the planning area. Perhaps a description of these sections will help in understanding the organization of the Area Plan as well as appreciating the comprehensive nature of the planning process that led to it. The Location section explains where the Area Plan fits with what is around it and how it relates to the cities that impact it. Physical features are described in a section that highlights the planning area's communities, surrounding environment and natural resources. This leads

Harvest Valley/Winchester Area Plan

naturally to the Land Use Plan section, which describes the land use system guiding development at both the countywide and area plan levels.

While a number of these designations reflect the unique features found only in the Harvest Valley/Winchester planning area, certain special policies are still necessary to address unique situations. The Policy Areas section presents these policies. Land use related issues are addressed in the Land Use section. Land use isn't the only key factor in developing and conserving land here. The Plan also describes relevant transportation issues, routes, and modes of transportation in the Circulation section. The key to understanding the valued open space network is described in the Multipurpose Open Space section. There are also natural and manmade hazards to consider, and they are spelled out in the Hazards section.

~~Data in this area plan is current as of April 16, 2019. Any general plan amendments approved subsequent to approval of this plan that date are not reflected in this area plan and~~ must be supported by their own environmental documentation. A process for incorporating any applicable portion of these amendments into this area plan is part of the General Plan Implementation Program.

A Special Note on Implementing the Vision

The preface to this area plan is a summary version of the Riverside County Vision. That summary is, in turn, simply an overview of a much more extensive and detailed Vision of Riverside County two decades or more into the future. This area plan, as part of the Riverside County General Plan, is one of the major devices for making the Vision a reality.

No two area plans are the same. Each represents a unique portion of the incredibly diverse place known as Riverside County. While many share certain common features, each of the plans reflect the special characteristics that define its area's unique identity. These features include not only physical qualities, but also the particular boundaries used to define them, the stage of development they have reached, the dynamics of change expected to affect them, and the numerous decisions that shape development and conservation in each locale. That is why the Vision cannot and should not be reflected uniformly.

Policies at the General Plan and Area Plan levels implement the Riverside County Vision in a range of subject areas as diverse as the scope of the Vision itself. The land use pattern contained in this area plan is a further expression of the Vision as it is shaped to fit the terrain and the conditions in the Harvest Valley/Winchester planning area.

To illustrate how the Vision has shaped this area plan, the following highlights reflect certain strategies that link the Vision to the land. This is not a comprehensive enumeration; rather, it emphasizes a few of the most powerful and physically tangible examples.

Community Centers. This method of concentrating development to achieve community focal points, stimulate a mix of activities, promote economic development, achieve more efficient use of land, create a transit friendly and walkable environment, and offer a broader mix of housing choices is a major device for implementing the Vision. ~~Two~~ Three community center overlays are included in the Harvest Valley/Winchester planning area. A significant Community Center Overlay designation is located in Winchester. The theme envisioned for this transit-oriented ~~Village~~ Town Center has a Western influence, capitalizing on the unique identity for the Winchester area. An additional Community Center Overlays located along Winchester Road would serve both residents of surrounding



Unincorporated land is all land within the County that is not within an incorporated city or an Indian Nation. Generally, it is subject to policy direction and under the land use authority of the Board of Supervisors.

Community Development residential areas and visitors to the Diamond Valley Lake. These centers could take advantage of the regional recreational draw that the lake presents.

Diamond Valley Recreation Area. Fishing on the lake is just one of the many amenities offered by the Diamond Valley Recreation Area. The open lake and surrounding land will serve regional tourist, recreation, and camping activities. The presence and success of these activities also bolsters the local economy. This winning combination of an economic stimulator and regional attraction also serves as an impetus for future growth in the immediate area.

Preserved Open Space Character. The vast amount of conserved open space surrounding the Diamond Valley Lake and Double Butte help maintain the natural character of the area and act as major regional and recreational attractions for Riverside County. These lands also serve as habitat for endangered species and as passive open space to be enjoyed by the local communities. The combination of activities that these preserved spaces serve are integral to the success of these lands in the future.

Location

The pivotal location of this area is clearly evident in Figure 1, Location. The Harvest Valley/Winchester planning area is contiguous with five other planning areas, which together constitute a major portion of the vast development potential in western Riverside County. The Planning Area's boundaries have been amended by adding two relatively small areas from the Southwest Area Plan and the Sun City/Menifee Valley Area Plan, to ensure that: 1) the Harvest Valley Winchester Area Plan's boundaries coincide with the boundaries of the Winchester Homeland Municipal Advisory Council's boundaries as they pertain to the Winchester community on its southern and western sides, and 2) to ensure the entire area of the adopted Specific Plan No. 310 was included in the Harvest Valley/Winchester Area Plan's boundary. The new boundaries of the Harvest Valley/Winchester area plan are identified on Figure 1. Starting the south and moving clockwise, we find the adjacent Southwest Area Plan, and the Cities of Menifee and Perris, Mead Valley, Lakeview/Nuevo Area Plan and the City of Hemet, and San Jacinto Valley Area Plans. The planning area encompasses only unincorporated territory, but the cities of Perris and Hemet frame this sprawling 32,000-acre valley Area Plan on the west and east, respectively. -The massive Diamond Valley Lake dominates the southeastern portion of the Harvest Valley/Winchester area.

Features

The Riverside County Vision builds heavily on the value of its remarkable environmental setting. That applies here as well. While not as close to the surrounding mountains as some other areas, the central location of the Harvest Valley/Winchester planning area affords an ample view of the mountain vistas that dominate the remarkable setting of western Riverside County. We find here a wide variety of physical features: flat valley floors, gently rolling foothills, abrupt buttes and hillsides, and the ever-present rock outcroppings. Watercourses meandering through the Harvest Valley/Winchester planning area include Warm Springs Creek and Salt Creek. This section describes the setting, features, and functions that are unique to the Harvest Valley/Winchester planning area. These defining characteristics are shown on Figure 2, Physical Features.

Setting

The Harvest Valley/Winchester area is actually part of a system of broad, sweeping valleys and is framed by the Menifee Valley to the west and the Domenigoni Valley to the south. Situated within this valley, the Double Butte,

Harvest Valley/Winchester Area Plan

Dawson and Lakeview Mountains, and Diamond Valley Lake are the major physical features defining the Harvest Valley/Winchester planning area. The Lakeview Mountains to the north and the Dawson Mountains in the southeast, though mainly located in adjacent planning areas, create a strong visual backdrop. Salt Creek generally separates the Harvest Valley/Winchester planning area into northern and southern halves, and the San Diego Aqueduct bisects the land into east-west segments. Warm Springs Creek, which ultimately flows into the Santa Margarita River, is piped underground to approximately Scott Road where it then flows southwest out of the planning area.

Unique Features

Double Butte

Double Butte is a steep, dual peaked mountain centrally located between Winchester and Homeland. Much of this feature was the site of a Riverside County landfill, which has since been closed. The intent is to establish recreational uses once clean-up and mitigation measures have been completed.

Diamond Valley Lake

Diamond Valley Lake is an 800,000-acre-foot (260 billion gallon) lake that provides critical water storage for much of Southern California. The lake nearly doubles the surface water storage for most of Southern California, and it secures emergency water storage for six months. This massive new landmark is not just a startling presence on the landscape; it performs the critical role in this arid climate of reducing the threat of water shortages during droughts and peak summer needs. The Diamond Valley Lake was created by a set of three dams and was approved for water storage in 2000. Most of the water for this facility is delivered through the Colorado River Aqueduct and the California State Water Project. The 13,000-acre Dr. Roy E. Shipley Reserve stretches between the Diamond Valley Lake and Lake Skinner, which is located in the Southwest Area Plan to the south. ~~Potential r~~Recreational opportunities available at the Diamond Valley facility include bicycle, hiking and equestrian trails, camping, fishing, boating, golfing, and picnicking.



An acre-foot of water is nearly 326,000 gallons, enough to meet the annual water needs of two typical southland families.

Lakeview Mountains

The Lakeview Mountains, which lie north of Harvest Valley, define the northern portion of the Harvest Valley/Winchester planning area. They nevertheless create a valuable scenic backdrop, especially for the communities of Homeland and Green Acres located directly to the south. Large rock outcroppings and boulders accent the slopes. These mountains are home to the Buck Jewel flower, an indicator of Coastal Sage Scrub habitat. These species also document the relatively dry, arid micro climate that prevails here.

Dawson Mountains

The Dawson Mountains create the southern wall of the Diamond Valley Lake. This range also creates a striking backdrop for communities on the valley floor like Winchester. The range is a series of rugged mountains providing an exceptional environment for hiking trails, equestrian uses, bicycling, and places for camping. These mountains

also serve as a corridor between the habitats that are found in and around Diamond Valley and the Shipley Reserve to the south.

Vernal Pools

Vernal pools are seasonally flooded depressions found on ancient soils with an impermeable layer such as hardpan, claypan, or volcanic basalt. The impermeable layer allows the pools to retain water much longer than the surrounding lands; nonetheless, the pools are shallow enough to dry up each season. Vernal pools often fill and empty several times during the rainy season. Only plants and animals that are adapted to this cycle of wetting and drying can survive in vernal pools over time. In this case, the vernal pools are located in the northeast portion of the planning area. Vernal pools serve as habitat for endangered wildlife species and are often associated with areas characterized by rare plant species.

San Diego Canal/Aqueduct

Running from north to south and intersecting the western end of Diamond Valley Lake is the San Diego Canal/Aqueduct. Its function is to transport State Project water as well as Colorado River water to Lake Skinner, where the canal ends. From that point, deliveries are made to MWD's member agencies in southern Riverside County and San Diego County via a system of pipelines.

Unique Communities

Harvest Valley

Harvest Valley is an umbrella name that is applied to the communities of Romoland, Homeland, and Green Acres. These three communities are connected by State Route 74 and are generally located between the Lakeview Mountains and Double Butte. Each of these three communities has a distinct character, which is described in more detail below.

Romoland

Romoland is located in the northwest portion of the Harvest Valley/Winchester planning area, adjacent to the City of Perris. Romoland is historically centered on a 160-acre urban grid bisected by State Route 74 and the rail line. North of State Route 74 is a small residential community comprised of single family residences and mobile homes, with a few commercial uses stretching along the highway. Farther to the north, the area is characterized by 1-acre lots and horse ranches. Industrial areas are located south of Highway 74. As this area grows, urbanization will extend eastward in accordance with the adopted Menifee North Specific Plan. A mixed use planning area that lies between Romoland and Homeland could capitalize on the growth of the two communities and act as the focus to bring these two communities together.

Homeland

Homeland is located east of Romoland, bounded by the Lakeview Mountains to the north and the Double Buttes to the south. Homeland is currently characterized by a mixture of single family and mobile homes with a strip of commercial uses along State Route 74. Similar to Romoland, but with less industrial uses, this community includes a mixture of small, urban lots and larger lots where animal-keeping is an important feature.

Harvest Valley/Winchester Area Plan

Green Acres

Connected by State Route 74 but physically separated from Homeland by a finger of the Lakeview Mountains that extends southerly to Highway 74, is the community of Green Acres. Nestled in the foothills of the Lakeview Mountains, this small residential community is located at the current intersection of State Routes 74 and 79. Animal-keeping is an important element of the local lifestyle here.

Winchester

Near the geographic center of the Harvest Valley/Winchester planning area is the community of Winchester. Consistent with its central location, Winchester is framed by several major features: Salt Creek, the rail line, State Route 79, and the Domenigoni Parkway. Currently, the community of Winchester is characterized by a small Western-themed commercial core at the intersection of Winchester Road (State Route 79) and Simpson Road. Surrounding the community core are small homes on large parcels and agricultural uses. Winchester could build upon the Western theme and be transformed into a unique, mixed-use Town Center that capitalizes on a transit station and proximity to the Diamond Valley Lake. ~~High and Medium~~ density residential uses will surround the ~~new Village~~ Town Center.

Land Use Plan

The Land Use Plan focuses on preserving the unique features in the Harvest Valley/Winchester planning area and, at the same time, guides the accommodation of future growth. To accomplish this, more detailed land use designations are applied than for the countywide General Plan.

The Harvest Valley/Winchester Land Use Plan, **Error! Reference source not found.**, depicts the geographic distribution of land uses within this planning area. The Plan is organized around ~~27430~~ area plan land use designations. These area plan land uses ~~derive from, and~~ provide more detailed direction than, the five General Plan Foundation Component land uses ~~categories~~: Open Space, Agriculture, Rural, Rural Community, and Community Development. Table 1, Land Use Designations Summary, outlines the development intensity, density, typical allowable land uses, and general characteristics for each of the area plan land use designations within each Foundation Component. The General Plan Land Use Element contains more detailed descriptions and policies for the Foundation Components and each of the area plan land use designations.

Many factors led to the designation of land use patterns. Among the most influential were the Riverside County Vision and Planning Principles, both of which focused, in part, on preferred patterns of development within the County of Riverside; the Community Environmental Transportation Acceptability Process (CETAP) that focused on major transportation corridors; the Western Riverside County Multiple Species Habitat Conservation Plan (WRC MSHCP) that focused on opportunities and strategies for significant open space and habitat preservation; established patterns of existing uses and parcel configurations; current zoning; and the oral and written testimony of Riverside County residents, property owners, and representatives of cities and organizations at the many Planning Commission and Board of Supervisors hearings. In 2012, the County's Economic Development Agency funded a Winchester Land Use Study that was completed following extensive community interaction and discussions/input. The information provided by the Study was considered along with other public agency input for this plan. The result of these considerations is shown in **Error! Reference source not found.**, Land Use Plan, which portrays the location and extent of ~~the proposed~~ land uses. Table 2, Statistical Summary of the Harvest Valley/Winchester Area Plan, provides a summary of the projected development capacity of the plan if all uses are built as proposed. This table includes dwelling unit, population, and employment capacities.

Land Use Concept

The Land Use Plan reflects a significant shift from the existing rural character to a more urban/suburban/rural mix focused around unique cores. The impetus for this shift is the Diamond Valley Lake and the recreational opportunities it presents. In addition, the transit opportunities presented by the rail line, State Route 74, and State Route 79 create natural crossroads to expand upon.



For more information on Community Center types, please refer to the Land Use Policies within this area plan and the Land Use Designations section of the General Plan **Land Use Element**.

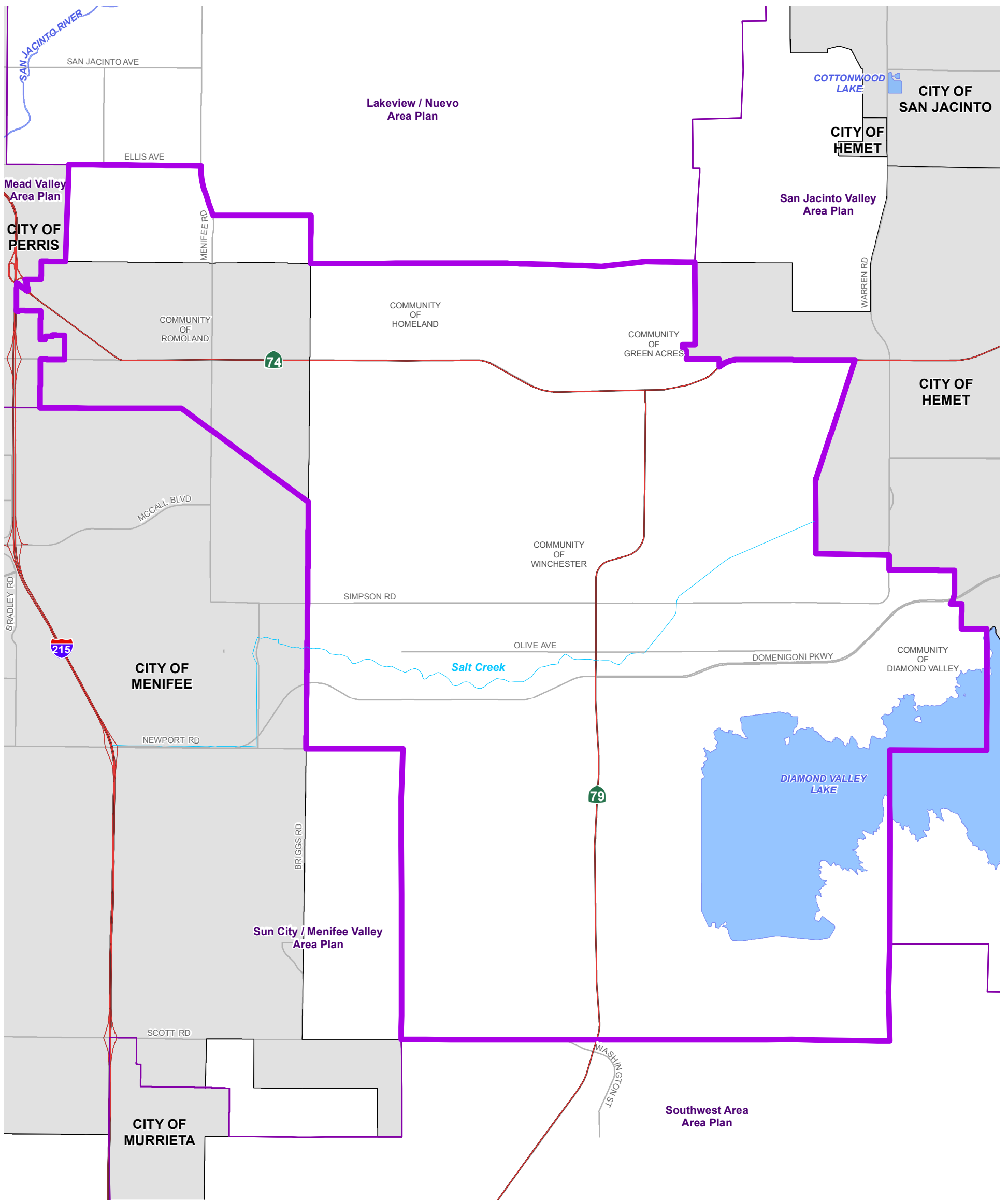
The communities of Romoland, Homeland, and Green Acres, together called Harvest Valley, make up the northern portion of the Harvest Valley/Winchester planning area. They contain dispersed commercial, business, and residential uses along State Route 74. A Mixed Use Planning Area is planned to be located along the south side of State Route 74, easterly of Briggs Road, to act as a focus for the communities of Homeland and Romoland. The Mixed Use Planning Area could become an additional focal point at the heart of Harvest Valley along State Route 74 to serve as a local gathering spot for area residents. Medium Density Residential designations surround the more intense uses along the highway.

The community of Green Acres, located in the eastern portion of the planning area, is a Low Density Residential community that is buffered from the City of Hemet by rural and mountainous terrain. To the southeast of this community, proximity to the Hemet Ryan Airport necessitates Estate Density Residential or lower intensity land use. Green Acres also includes a policy area that allows for continued equestrian and animal keeping uses.





Western Riverside County has a special visual quality created by the numerous landforms at varying scales that pop up from the valley floors. Such is the case with Double Butte. The Public Facility designation here (resulting from the closed landfill) is surrounded by mountainous terrain a quality that characterizes much of the visual character within the Harvest Valley/Winchester area. Double Butte is also a separator between Harvest Valley to the north and Winchester to the south.

The community of Winchester is located immediately south of Double Butte and north of Salt Creek. Winchester is ideally situated to become the gateway to the Diamond Valley and accommodate significant intensification of land usage. Winchester has the potential to serve as an important tourist and transit hub for the region due to its proximity to the Diamond Valley Lake as well as the presence of the rail line, State Route 79, and the Domenigoni Parkway. Moreover, local homeowners share a vision of greater prominence for this community.

To most effectively take advantage of these opportunities, future development in Winchester should reflect a distinct character and identity. Typical strip commercial uses will diminish the community's potential significantly. Instead, a compact downtown core ~~designed in where an Old West Theme with Old West architectural style elements~~ is envisioned. To help make this vision become a reality, the ~~plan incorporates a~~ Community Center Overlay and ~~Winchester~~ Town Center ~~core that includes~~ a Highest Density Residential (HHDR) neighborhood and ~~nine eight~~ Mixed-Use Area (MUA) neighborhoods. ~~The neighborhoods are~~ designated to contain some HHDR development allow~~ings for~~ a mixture of commercial, office, and residential uses ~~in line with the plan's vision for the community to be developed and provides guidance for future community design~~. Contrary to typical zoning that separates uses, the Community Center Overlay and Town Center concept allow a mixture of commercial, office, and residential uses within the same project.



Data Source: Riverside County

-  Highways
-  Area Plan Boundary
-  City Boundary
-  Waterbodies

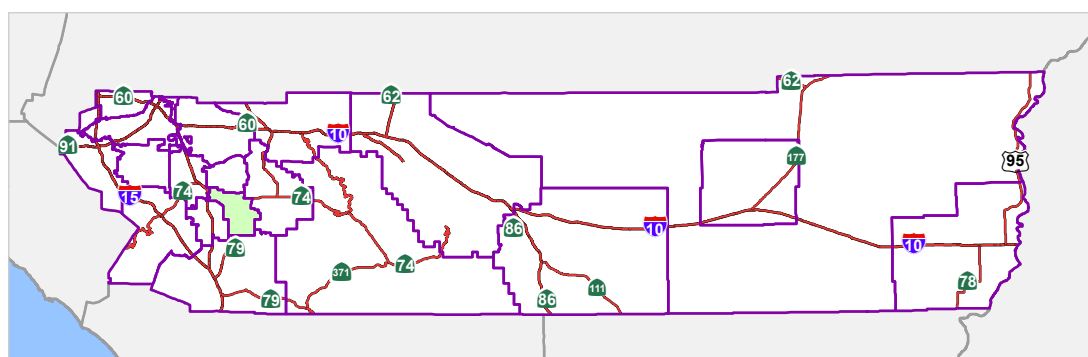

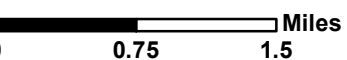


Figure 1

 December 8, 2015

 Miles
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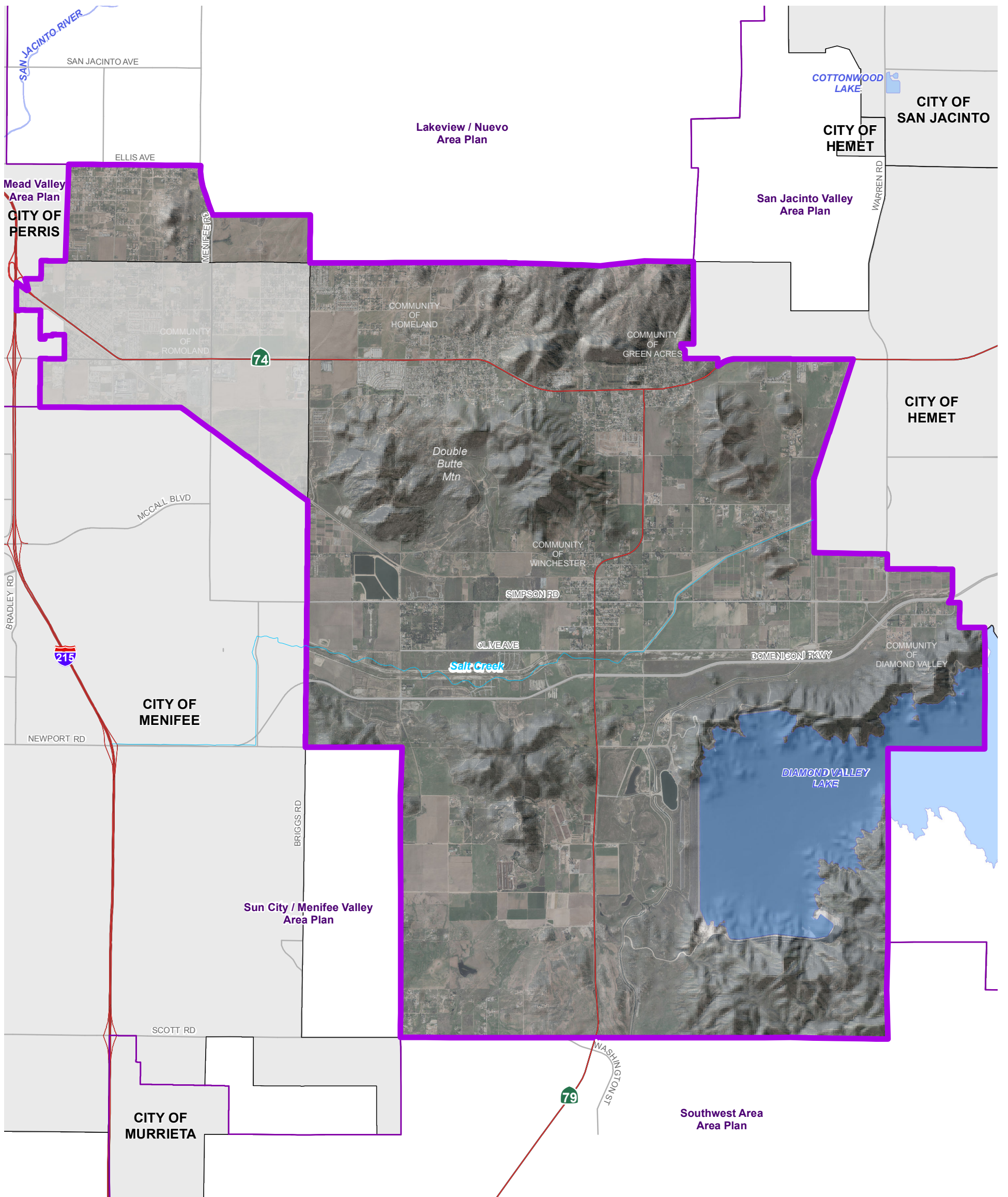
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HARVEST VALLEY/ WINCHESTER AREA PLAN LOCATION

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Data Source: Riverside County



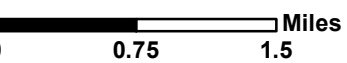
-  Highways
-  Area Plan Boundary
-  City Boundary
-  Waterbodies

Figure 2

 December 8, 2015

 Miles
0 0.75 1.5

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HARVEST VALLEY/ WINCHESTER AREA PLAN PHYSICAL FEATURES

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Table 1: Land Use Designations Summary

Foundation Component	Area Plan Land Use Designation	Building Intensity Range (du/ac or FAR) ^{1, 2,3,4}	Notes
Agriculture	Agriculture (AG)	10 ac min.	<ul style="list-style-type: none"> Agricultural land including row crops, groves, nurseries, dairies, poultry farms, processing plants, and other related uses. One single-family residence allowed per 10 acres except as otherwise specified by a policy or an overlay.
Rural	Rural Residential (RR)	5 ac min.	<ul style="list-style-type: none"> Single-family residences with a minimum lot size of 5 acres. Allows limited animal keeping and agricultural uses, recreational uses, compatible resource development (not including the commercial extraction of mineral resources) and associated uses and governmental uses.
	Rural Mountainous (RM)	10 ac min.	<ul style="list-style-type: none"> Single-family residential uses with a minimum lot size of 10 acres. Areas of at least 10 acres where a minimum of 70% of the area has slopes of 25% or greater. Allows limited animal keeping, agriculture, recreational uses, compatible resource development (which may include the commercial extraction of mineral resources with approval of a SMP) and associated uses and governmental uses.
	Rural Desert (RD)	10 ac min.	<ul style="list-style-type: none"> Single-family residential uses with a minimum lot size of 10 acres. Allows limited animal keeping, agriculture, recreational, renewable energy uses including solar, geothermal and wind energy uses, as well as associated uses required to develop and operate these renewable energy sources, compatible resource development (which may include the commercial extraction of mineral resources with approval of SMP), and governmental and utility uses.
Rural Community	Estate Density Residential (RC-EDR)	2 ac min.	<ul style="list-style-type: none"> Single-family detached residences on large parcels of 2 to 5 acres. Limited agriculture, intensive equestrian and animal keeping uses are expected and encouraged.
	Very Low Density Residential (RC-VLDR)	1 ac min.	<ul style="list-style-type: none"> Single-family detached residences on large parcels of 1 to 2 acres. Limited agriculture, intensive equestrian and animal keeping uses are expected and encouraged.
	Low Density Residential (RC-LDR)	0.5 ac min.	<ul style="list-style-type: none"> Single-family detached residences on large parcels of 0.5 to 1 acre. Limited agriculture, intensive equestrian and animal keeping uses are expected and encouraged.
Open Space	Conservation (C)	N/A	<ul style="list-style-type: none"> The protection of open space for natural hazard protection, cultural preservation, and natural and scenic resource preservation. Existing agriculture is permitted.
	Conservation Habitat (CH)	N/A	<ul style="list-style-type: none"> Applies to public and private lands conserved and managed in accordance with adopted Multi Species Habitat and other Conservation Plans and in accordance with related Riverside County policies.
	Water (W)	N/A	<ul style="list-style-type: none"> Includes bodies of water and natural or artificial drainage corridors. Extraction of mineral resources subject to SMP may be permissible provided that flooding hazards are addressed and long term habitat and riparian values are maintained.
	Recreation (R)	N/A	<ul style="list-style-type: none"> Recreational uses including parks, trails, athletic fields, and golf courses. Neighborhood parks are permitted within residential land uses.
	Rural (RUR)	20 ac min.	<ul style="list-style-type: none"> One single-family residence allowed per 20 acres. Extraction of mineral resources subject to SMP may be permissible provided that scenic resources and views are protected.
	Mineral Resources (MR)	N/A	<ul style="list-style-type: none"> Mineral extraction and processing facilities. Areas held in reserve for future mineral extraction and processing.

Table 1, continued

Foundation Component	Area Plan Land Use Designation	Building Intensity Range (du/ac or FAR) ^{1, 2,3,4}	Notes
Community Development	Estate Density Residential (EDR)	2 ac min.	<ul style="list-style-type: none"> Single-family detached residences on large parcels of 2 to 5 acres. Limited agriculture and animal keeping is permitted, however, intensive animal keeping is discouraged.
	Very Low Density Residential (VLDR)	1 ac min.	<ul style="list-style-type: none"> Single-family detached residences on large parcels of 1 to 2 acres. Limited agriculture and animal keeping is permitted, however, intensive animal keeping is discouraged.
	Low Density Residential (LDR)	0.5 ac min.	<ul style="list-style-type: none"> Single-family detached residences on large parcels of 0.5 to 1 acre. Limited agriculture and animal keeping is permitted, however, intensive animal keeping is discouraged.
	Medium Density Residential (MDR)	2 - 5 du/ac	<ul style="list-style-type: none"> Single-family detached and attached residences with a density range of 2 to 5 dwelling units per acre. Limited agriculture and animal keeping is permitted, however, intensive animal keeping is discouraged. Lot sizes range from 5,500 to 20,000 sq. ft., typical 7,200 sq. ft. lots allowed.
	Medium High Density Residential (MHDR)	5 - 8 du/ac	<ul style="list-style-type: none"> Single-family attached and detached residences with a density range of 5 to 8 dwelling units per acre. Lot sizes range from 4,000 to 6,500 sq. ft.
	High Density Residential (HDR)	8 - 14 du/ac	<ul style="list-style-type: none"> Single-family attached and detached residences, including townhouses, stacked flats, courtyard homes, patio homes, townhouses, and zero lot line homes.
	Very High Density Residential (VHDR)	14 - 20 du/ac	<ul style="list-style-type: none"> Single-family attached residences and multi-family dwellings.
	Highest Density Residential (HHDR)	14 - 46 60 du/ac	<ul style="list-style-type: none"> Multi-family dwellings, includes apartments and condominium. Multi-storied (3+) structures are allowed.
	Commercial Retail (CR)	0.20 - 0.35 FAR	<ul style="list-style-type: none"> Local and regional serving retail and service uses. The amount of land designated for Commercial Retail exceeds that amount anticipated to be necessary to serve Riverside County's population at build out. Once build out of Commercial Retail reaches the 40% level within any Area Plan, additional studies will be required before CR development beyond the 40 % will be permitted.
	Commercial Tourist (CT)	0.20 - 0.35 FAR	<ul style="list-style-type: none"> Tourist related commercial including hotels, golf courses, and recreation/amusement activities.
	Commercial Office (CO)	0.35 - 1.0 FAR	<ul style="list-style-type: none"> Variety of office related uses including financial, legal, insurance and other office services.
	Light Industrial (LI)	0.25 - 0.60 FAR	<ul style="list-style-type: none"> Industrial and related uses including warehousing/distribution, assembly and light manufacturing, repair facilities, and supporting retail uses.
	Heavy Industrial (HI)	0.15 - 0.50 FAR	<ul style="list-style-type: none"> More intense industrial activities that generate greater effects such as excessive noise, dust, and other nuisances.
	Business Park (BP)	0.25 - 0.60 FAR	<ul style="list-style-type: none"> Employee intensive uses, including research and development, technology centers, corporate offices, clean industry and supporting retail uses.
	Public Facilities (PF)	≤ 0.60 FAR	<ul style="list-style-type: none"> Civic uses such as County of Riverside administrative buildings and schools.
Community Center (CC)	5 - 40 du/ac 0.10 - 0.3 FAR	<ul style="list-style-type: none"> Includes combination of small-lot single family residences, multi-family residences, commercial retail, office, business park uses, civic uses, transit facilities, and recreational open space within a unified planned development area. This also includes Community Centers in adopted specific plans. 	
Mixed-Use Area		<ul style="list-style-type: none"> This designation is applied to areas outside of Community Centers. The intent of the designation is not to identify a particular mixture or intensity of land uses, but to designate areas where a mixture of residential, commercial, office, entertainment, educational, and/or recreational uses, or other uses is planned. 	

Table 1, continued

Overlays and Policy Areas

Overlays and Policy Areas are not considered a Foundation Component. Overlays and Policy Areas address local conditions and can be applied in any Foundation Component. The specific details and development characteristics of each Policy Area and Overlay are contained in the appropriate Area Plan.

Community Development Overlay (CDO)	<ul style="list-style-type: none"> Allows Community Development land use designations to be applied through General Plan Amendments within specified areas within Rural, Rural Community, Agriculture, or Open Space Foundation Component areas. Specific policies related to each Community Development Overlay are contained in the appropriate Area Plan.
Community Center Overlay (CCO)	<ul style="list-style-type: none"> Allows for either a Community Center or the underlying designated land use to be developed.
Rural Village Overlay (RVO) and Rural Village Overlay Study Area (RVOSA)	<ul style="list-style-type: none"> The Rural Village Overlay allows a concentration of residential and local-serving commercial uses within areas of rural character. The Rural Village Overlay allows the uses and maximum densities/intensities of the Medium Density Residential and Medium High Density Residential and Commercial Retail land use designations. In some rural village areas, identified as Rural Village Overlay Study Areas, the final boundaries will be determined at a later date during the consistency zoning program. (The consistency zoning program is the process of bringing current zoning into consistency with the adopted general plan.)
Historic District Overlay (HDO)	<ul style="list-style-type: none"> This overlay allows for specific protections, land uses, the application of the Historic Building Code, and consideration for contributing elements to the District.
Specific Community Development Designation Overlay	<ul style="list-style-type: none"> Permits flexibility in land uses designations to account for local conditions. Consult the applicable Area Plan text for details.
Policy Areas	<ul style="list-style-type: none"> Policy Areas are specific geographic districts that contain unique characteristics that merit detailed attention and focused policies. These policies may impact the underlying land use designations. At the Area Plan level, Policy Areas accommodate several locally specific designations, such as the Cherry Valley Policy Area (The Pass Area Plan), or the Highway 79 Policy Area (Sun City/Menifee Valley Area Plan). Consult the applicable Area Plan text for details.

NOTES:

1 FAR = Floor Area Ratio, which is the measurement of the amount of non-residential building square footage in relation to the size of the lot. Du/ac = dwelling units per acre, which is the measurement of the amount of residential units in a given acre.

2 The building intensity range noted is exclusive, that is the range noted provides a minimum and maximum building intensity.

3 Clustering is encouraged in all residential designations. The allowable density of a particular land use designation may be clustered in one portion of the site in smaller lots, as long as the ratio of dwelling units/area remains within the allowable density range associated with the designation. The rest of the site would then be preserved as open space or a use compatible with open space (e.g., agriculture, pasture or wildlife habitat). Within the Rural Foundation Component and Rural Designation of the Open Space Foundation Component, the allowable density may be clustered as long as no lot is smaller than 0.5 acre. This 0.5-acre minimum lot size also applies to the Rural Community Development Foundation Component. However, for sites adjacent to Community Development Foundation Component areas, 10,000 square foot minimum lots are allowed. The clustered areas would be a mix of 10,000-square-foot and 0.5-acre lots. In such cases, larger lots or open space would be required near the project boundary with Rural Community and Rural Foundation Component areas.

4 The minimum lot size required for each permanent structure with plumbing fixtures utilizing an onsite wastewater treatment system to handle its wastewater is 0.5 acre per structure.

HHDR was updated to 14 - 40 du/ac to be consistent with Housing Element 2021-2029 (09/28/21)

Table 2: Statistical Summary of Harvest Valley/Winchester Area Plan

LAND USE	AREA		STATISTICAL CALCULATIONS ¹	
	ACREAGE ⁷	D.U.	POP.	EMPLOY.
LAND USE ASSUMPTIONS AND CALCULATIONS⁸				
LAND USE DESIGNATIONS BY FOUNDATION COMPONENTS				
AGRICULTURE FOUNDATION COMPONENT				
Agriculture (AG)	860	40	120	40
<i>Agriculture Foundation Sub-Total:</i>	<u>860</u>	<u>40</u>	<u>120</u>	<u>40</u>
RURAL FOUNDATION COMPONENT				
Rural Residential (RR)	4,5094,372	676490	1,870525	NA
Rural Mountainous (RM)	4,0013,382	200454	553426	NA
Rural Desert (RD)	0	0	0	NA
<i>Rural Foundation Sub-Total:</i>	<u>8,5104,754</u>	<u>867344</u>	<u>2,423954</u>	<u>0</u>
RURAL COMMUNITY FOUNDATION COMPONENT				
Estate Density Residential (RC-EDR)	5364,039	188334	519945	NA
Very Low Density Residential (RC-VLDR)	700	530	1450	NA
Low Density Residential (RC-LDR)	820380	1,230548	3,4004,432	NA
<i>Rural Community Foundation Sub-Total:</i>	<u>1,4264,419</u>	<u>1,470849</u>	<u>4,0642,347</u>	<u>0</u>
OPEN SPACE FOUNDATION COMPONENT				
Open Space-Conservation (OS-C)	1,9284,088	NA	NA	NA
Open Space-Conservation Habitat (OS-CH)	6,8003,001	NA	NA	NA
Open Space-Water (OS-W)	5,2372,748	NA	NA	NA
Open Space-Recreation (OS-R)	1,8714,640	NA	NA	246
Open Space-Rural (OS-RUR)	0	0	0	NA
Open Space-Mineral Resources (OS-MIN)	0	NA	NA	0
<i>Open Space Foundation Sub-Total:</i>	<u>15,8368,477</u>	<u>0</u>	<u>0</u>	<u>246</u>
COMMUNITY DEVELOPMENT FOUNDATION COMPONENT				
Estate Density Residential (EDR)	8660	3030	8380	NA
Very Low Density Residential (VLDR)	1,0724,462	804837	2,2232,344	NA
Low Density Residential (LDR)	1,5474,449	2,3214,583	6,4154,376	NA
Medium Density Residential (MDR)	10,6026,295	39,62324,854	109,53760,445	NA
Medium-High Density Residential (MHDR)	2,304744	14,9764,269	41,40144,802	NA
High Density Residential (HDR)	267223	2,9372,234	8,1196,476	NA
Very High Density Residential (VHDR)	11646	1,972745	5,4524977	NA
Highest Density Residential (HHDR)	3344	9904,148	2,7373,094	NA
Commercial Retail ² (CR)	1,198323	NA	NA	7,2025,072
Commercial Tourist (CT)	637400	NA	NA	10,4086,538
Commercial Office (CO)	9966	NA	NA	3,77340,725
Light Industrial (LI)	693357	NA	NA	8,9104,594
Heavy Industrial (HI)	0	NA	NA	0
Business Park (BP)	1,384252	NA	NA	22,6084,149
Public Facilities (PF)	3,0764,646	NA	NA	3,0764,646
Community Center (CC) ³	0	0	0	0
Mixed-Use Area (MUA)	1,543768	11,3725,863	31,48346,208	7,6522,449
<i>Community Development Foundation Sub-Total:</i>	<u>25,43743,442</u>	<u>75,29738,473</u>	<u>208,159406,359</u>	<u>63,62934,813</u>
SUB-TOTAL FOR ALL FOUNDATION COMPONENTS/USES:				
	<u>51,29528,092</u>	<u>77,64839,666</u>	<u>214,658409,657</u>	<u>63,87935,059</u>
NON-COUNTY JURISDICTION LAND USES				
OTHER LANDS NOT UNDER PRIMARY COUNTY JURISDICTION				
Cities	4,089	---	---	---
Indian Lands	0	---	---	---
Freeways	0	---	---	---
<i>Other Lands Sub-Total:</i>	4,089			
TOTAL FOR ALL LANDS:	<u>55,38832,184</u>	<u>77,64839,666</u>	<u>214,658409,657</u>	<u>35,059</u>

Harvest Valley/Winchester Area Plan

FOOTNOTES:

CITIES

1. Statistical calculations are based on the midpoint for the theoretical range of build-out projections. Reference Appendix E-1 of the General Plan for assumptions and methodology used.
2. For calculation purposes it is assumed that CR designated lands will build out at 40% CR and 60% MDR
3. Note that “Community Center” is used both to describe a land use designation and type of overlay.
4. Based on a .67 residential/.33 commercial split.

Table 2, continued

LAND USE	AREA	STATISTICAL CALCULATIONS ¹		
	ACREAGE ⁷	D.U.	POP.	EMPLOY.
SUPPLEMENTAL LAND USE PLANNING AREAS				
<i>These SUPPLEMENTAL LAND USES are overlays, policy areas and other supplemental items that apply OVER and IN ADDITION to the base land use designations listed above. The acreage and statistical data below represent possible ALTERNATE land use or buildout scenarios.</i>				
OVERLAYS AND POLICY AREA				
OVERLAYS^{4, 5}				
Community Center Overlay	335	1,376	3,804	16,464
<i>Total Area Subject to Overlays:^{4, 5}</i>	335	1,376	3,804	16,464
POLICY AREAS⁶				
Green Acres	754	---	---	---
Highway 79	29,403 50,061	---	---	---
Winchester	28723,153	---	---	---
Winchester/Newport Road	38	---	---	---
Diamond Valley Lake	7,911	---	---	---
Hemet-Ryan Airport Influence Area	3,702	---	---	---
March Joint Air Reserve Base Influence Area	7,601	---	---	---
<i>Total Area Within Policy Areas:⁶</i>	49,696 FINAL TBD			
TOTAL AREA WITHIN SUPPLEMENTALS:⁷	50,034 FINAL TBD			

FOOTNOTES:

- 1 Statistical calculations are based on the midpoint for the theoretical range of buildout projections. Reference Appendix E-1 of the General Plan for assumptions and methodology used.
 - 2 For calculation purposes, it is assumed that CR designated lands will build out at 40% CR and 60% MDR.
 - 3 Note that “Community Center” is used both to describe a land use designation and a type of overlay. These two terms are separate and distinct; are calculated separately; and, are not interchangeable terms.
 - 4 Overlays provide alternate land uses that may be developed instead of the underlying base use designations.
 - 5 Policy Areas indicate where additional policies or criteria apply, in addition to the underlying base use designations. As Policy Areas are supplemental, it is possible for a given parcel of land to fall within one or more Policy Areas. It is also possible for a given Policy Area to span more than one Area Plan.
 - 6 Overlay data represent the additional dwelling units, population and employment permissible under the alternate land uses.
 - 7 A given parcel of land can fall within more than one Policy Area or Overlay. Thus, this total is not additive.
 - 8 Statistical calculation of the land use designations in the table represents addition of Overlays and Policy Areas.
- * Table was updated to include GPA Nos. 943, 973 and 1122; as well as city incorporations, adopted after December 08, 2015; Modified on 04/16/19 to reflect SP293A5S7.
- * Table was updated to change the Mixed-Use Planning Area to Mixed-Use Area, to be consistent with GPA No. 1122 Land Use Element
- * Table was updated to reflect changes/updates to the Winchester Policy Area as adopted with GPA 1207, DATE HERE, 2024

Like a Western town, Winchester should be developed around a series of walkable blocks with buildings oriented to the street. Western-themed building facades with detailed touches, such as covered ~~and wooden~~ sidewalks, could further enhance the theme experience. A core of retail, shopping, office, and residential uses should stretch along Winchester Road from the rail line to Olive Avenue. The overlay also allows for the siting of higher density residential uses within and around the ~~Town Center~~ Town Center area, in order to provide convenient pedestrian access to services, shopping, and employment uses.

A transit station on the rail line should be incorporated into the fabric of Winchester and act as the northern anchor for the community. This transit station would act as the regional connection to the Diamond Valley Lake and its surrounding entertainment and recreational uses, as well as Temecula further to the south.

The Diamond Valley Lake and surrounding recreation area provides a major tourist attraction and is the key to future growth in the area. The land uses that surround the Diamond Valley Lake are intended to preserve this facility's long-term outdoor recreational opportunities and to attract visitors by providing a quality experience for them.

To the south of the Diamond Valley Lake, the Open Space-Conservation Habitat and Open Space-Recreation land use designations preserve the natural habitat of the Dawson Mountains and Shipley Reserve as well as providing areas for permanent outdoor recreation. To the west of the lake, the Open Space- Recreation land use designation accommodates the intensive water-oriented recreation plans of the Metropolitan Water District, which include water sports and camping.

The Community Center Overlay area immediately west of Winchester Road and south of Holland Road would serve as a Town Center/downtown area for future developments to the west or could accommodate an Entertainment Center that is intended to capitalize on the proximity of the lake and its intensive recreational opportunities. This Community Center is envisioned as a unified and themed pedestrian oriented Town Centervillage. The center should be designed to accommodate pedestrian movement and as such, the presence of the automobile should be minimized by reducing street widths, locating parking behind buildings, and/or combining parking in structures. Sidewalks should be wide with ample street furniture and shade trees to create a pleasant pedestrian environment.

A transit station should be incorporated into this Community Center. This transit station can be connected to the Winchester Transit Station through a transit system such as the Oasis Concept, which is described in the Circulation Element of the General Plan. The transit line would then follow Winchester RoadAvenue south into the Temecula Valley, providing a convenient tourism connection for the major attractions of the region.

Policy Areas

A policy area is a portion of a planning area that contains special or unique characteristics that merit detailed attention and focused policies. The location and boundaries for the Policy Areas are shown on Figure 4, Overlays and Policy Areas, and are described in detail below.

Policy Areas

~~Six~~Seven policy areas have been designated within the Harvest Valley/Winchester planning area. They are important locales that have special significance to the residents of this part of Riverside County. Many of these policies derive from citizen involvement over a period of years in planning for the future of this area. In some ways, these policies are even more critical to the sustained character of the Harvest Valley/Winchester planning area than some of the basic land use policies because they reflect deeply held beliefs about the kind of place this is and should remain. These boundaries, other than the boundaries of the Airport Influence Areas, are only approximate and may be interpreted more precisely as decisions are called for in these areas. This flexibility, then, calls for considerable sensitivity in determining where conditions related to the policies actually exist, once a focused analysis is undertaken on a proposed development project.

Harvest Valley/Winchester Area Plan

Hemet-Ryan Airport Influence Area

Hemet-Ryan Airport is an active airport located just outside of the Harvest Valley/Winchester planning area in the City of Hemet. The northeastern section of the Harvest Valley/Winchester planning area is within this airport's Airport Influence Area. The boundary of the Hemet-Ryan Airport Influence Area is shown in Figure 4, Overlays and Policy Areas. ~~There are a number of Compatibility Zones associated with the Airport Influence Area. Compatibility Zones are shown in Figure 5, identifies the Hemet-Ryan Airport Influence Area. Properties within these zones the Influence Area~~ are subject to regulations governing such issues as land use, development intensity, density, height of structures, and noise. These land use restrictions are fully set forth in the Hemet-Ryan Airport Land Use Compatibility Plan, Appendix L-1 and are summarized in Table 4, Airport Land Use Compatibility Criteria for Riverside County (Applicable to Hemet-Ryan Airport). For more information on these zones and additional airport policies, refer to the Compatibility Plan Appendix L-1 and the Land Use, Circulation, Safety, and Noise Elements of the Riverside County General Plan.

Policy:

HVWAP 1.1 To provide for the orderly development of Hemet-Ryan Airport and the surrounding areas, compliance with the Hemet Ryan Airport Land Use Compatibility Plan for Hemet Ryan Airport as fully set forth in Appendix L-1 and as summarized in Table 4, as well as any applicable policies related to airports in the Land Use, Circulation, Safety, and Noise Elements of the Riverside County General Plan is required.



March Joint Air Reserve Base Airport Influence Area

March Joint Air Reserve Base is located northwest of the Harvest Valley/Winchester planning area. ~~The former Air Force Base was established in 1918 and was continually used until 1993.~~ In 1996, the land was converted from an Air Force Base to an Active Duty Reserve Base. A four-party Joint Powers Authority (JPA), comprised of the County of Riverside and the cities of Moreno Valley, Perris, and Riverside, now governs the facility. The JPA ~~plans to~~ has transformed a portion of the base into a highly active inland port, known as the March Inland Port. The JPA's land use jurisdiction and March Joint Air Reserve Base encompass 6,500 acres of land, including the active cargo and military airport. ~~There are three Compatibility Zones associated with the Airport Influence Area. These zones are shown in Figure 6, identifies the March Joint Air Reserve Base Airport Influence Area. Properties within these zones are subject to regulations governing such issues as land use development intensity, density, height of structures and noise. These land use restrictions are fully set forth in the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, Appendix L-1 and are summarized in Table 5, Airport Land Use Compatibility Criteria for Riverside County (Applicable to March Joint Air Reserve Base).~~ For more information on these zones and additional airport policies, refer to the Compatibility Plan Appendix L-1 and the Land Use, Circulation, Safety, and Noise Elements of the Riverside County General Plan.

Policy:

HVWAP 2.1 To provide for the orderly development of March Joint Air Reserve Base and the surrounding areas, compliance with the March Air Base Reserve Base/Inland Port Land Use Compatibility Plan 1984 Riverside County Airport Land Use Plan as fully set forth in Appendix L-1 and as summarized in Table 5, as well as any applicable policies related to airports in the Land Use, Circulation, Safety, and Noise Elements of the Riverside County General Plan is required.

Winchester

The Winchester Policy Area (“WPA”) is generally located northwest of Diamond Valley Lake, straddling both sides of Winchester Road (SR 79), between the cities of Menifee and Hemet, specifically within the Harvest Valley/Winchester Area Plan (HVWAP), Figure 4. The intent of this policy area is to help in creating a sense of place for Winchester as well as an entrance to the Diamond Valley Recreational Area. The WPA is one of six policy areas¹ of the HVWAP. The Winchester Policy Area is primarily made up of medium density residential and more natural land uses, such as rural mountainous, open space recreation, conservation, and conservation habitat. The northern portion of the policy area allows for different nonresidential uses, and the Town Center area allows for a mix of uses.

Highway 79 connects the WPA to Temecula and Interstate 15 to the south and to Beaumont and Interstate 10 to the north. Simpson Road is the primary east-west street of the Town Center area, and it is in the center of the community. Grand Avenue, which is located along the northern edge of the community’s core and designated an Urban Arterial, may become one of the community’s major east-west transportation routes, in addition to Domenigoni Parkway, which lies south of Salt Creek. These east-west corridors provide the community connections with Menifee and I-215 to the west and Hemet to the east. The Riverside Transit Agency provides local bus service, primarily along Winchester Road and Domenigoni Parkway, connecting Winchester to Menifee, Hemet, Murrieta, and Temecula by way of transit. An unused east-west railway is located in the northerly part of Winchester’s core between Asbury and 9th Streets. This railway may provide a potential location for a future commuter train from the terminus of the Perris Valley Line, in City of Perris, to the City of Hemet and beyond.

~~The Winchester Policy Area centers on that community and coincides with the Winchester Community Center Overlay. The intent of this policy area is to help in creating a sense of place as well as an entrance to the Diamond Valley Recreation Area. This policy area has been created to capitalize on the proximity to Diamond Valley Lake by providing for uses that reinforce and support recreation activities. Potential transportation connections through implementation of the Transit Oasis Concept (defined in the Circulation Element) have been incorporated to link the Winchester area with other tourist attractions within Riverside County. The policy area is also intended to enhance opportunities for selective redevelopment where that can achieve the Area Plan’s intent.~~

Building upon the existing community character, the ~~WPA~~Winchester Policy Area is envisioned ~~as with~~ a Western-themed ~~village with the Town Center~~ core ~~of with the~~ activity centered around Winchester and Simpson Roads. The Community Center Overlay accommodates commercial uses, dining, entertainment, lodging, higher intensity residential uses, and offices. The core of the policy area will be relatively dense, with a mixture of ~~mixed-use with~~ commercial and employment uses. The Community Center Overlay encourages a mixture of uses in the area, contrary to typical zoning.

Policies:

The following policies apply to all areas within the WPA, unless specified differently within any policy:

- HVWAP 3.1 Encourage mixed land uses within the ~~WPA~~Winchester Policy area that promote the surrounding recreation, employment, and transit opportunities.
- HVWAP 3.2 New development should utilize the approved Winchester Design Guidelines and Standards to ensure quality development in the WPA.

¹ Policy Areas are specific geographic districts that contain unique characteristics that merit detailed attention and focused policies. (Harvest Valley/Winchester Area Plan Table 1: Land Use Designations Summary)

Harvest Valley/Winchester Area Plan

- ~~HWAP 3.3 Commercial Development within the WPA should be designed with a Western theme.~~
- ~~HWPA 3.4 Ensure sufficient pedestrian linkages throughout the WPA.~~
- ~~HWAP 3.5 A transit station should be sited in a central location of the WPA, to promote and encourage alternative means of transportation to work, home and to the pedestrian orientated mixed-uses within the Town Center and vicinity.~~
- ~~HWAP 3.6 Development should be coordinated with Riverside Transit Agency (RTA) to ensure bus routes are identified and bus stops are provided to adequately serve community residents.~~
- ~~HWAP 3.7 Development should be coordinated with Riverside County Transportation Commission (RCTC) to ensure connection to any future rail line and transit station.~~
- ~~HWAP 3.8 Encourage the assemblage of small parcels into larger project areas that can be developed for mixed-use or higher density projects.~~
- ~~HWAP 3.9 Development should promote Assessment of Fair Housing (AFH) as identified in the County's Housing Element.~~
- ~~HWAP 3.10 In Addition to Specific Plan and Mixed-Use zoning classifications, commercial zoning classifications that implement the intent of the land use designation or provide for a community serving use(s) may be utilized for any Mixed-Use Area (MUA) General Plan Use Designation within the Winchester Policy Area (WPA).~~
- ~~HWAP 3.11 Higher density residential projects are encouraged through use of density bonus and County, and State programs.~~
- ~~HWAP 3.2 Recognize the community desire for future development projects within the Winchester Policy Area to reflect a Western design theme.~~
- ~~HWAP 3.3 Prepare a master plan or a specific plan to guide the pattern and form of new development. The master plan or specific plan shall cover the development of the entire Community Center Overlay land use designation and address the Western design theme, development standards, street scene, access, the relationship to surrounding properties, signage, and parking.~~
- ~~HWAP 3.4 Permit development to conform to the underlying land use designations as specified on Figure 3, Land Use Plan, until such time as the master plan or specific plan is adopted. Require a plot plan or use permit prior to new improvements not specifically permitted by right to guide the pattern and form of new development.~~

Green Acres

Green Acres is a rural community located at the junction of State Route 74 and 79. The intent of this policy area is to preserve the historic rural and agricultural character of this community, and preserve the residents' ability to keep animals on appropriately sized lots.

Policy:

HVWAP 4.1 Allow for lot sizes within the residential land use designation that accommodate limited animal keeping per the Riverside County Zoning Ordinance.

Diamond Valley Lake Policy Area

Diamond Valley Lake (DVL) is a recently built, approximately 800,000 acre-foot capacity reservoir owned and operated by the Metropolitan Water District (MWD), which provides domestic water supplies to much of Southern California. Diamond Valley Lake is strategically located, with ample adjacent land, to also provide for a wide variety of recreational opportunities for the residents of Riverside County and Southern California, and beyond. Potential recreational opportunities include, but are not limited to, fishing, boating, camping, golfing, picnicking, bicycling, horseback riding, and hiking. In support of recreational facilities, other tourist-oriented facilities including hotels, restaurants, and commercial services are anticipated to be developed in the future. The County of Riverside will continue to cooperate with MWD and Diamond Valley Lake's other neighboring jurisdiction, the City of Hemet, to encourage development of the lake's recreational opportunities and supporting commercial services.

It is envisioned that Diamond Valley Lake's recreational and tourist-oriented facilities will be developed pursuant to one or more specific plans contained within the policy area. The Harvest Valley/Winchester, Southwest, and San Jacinto Valley Area Plans illustrate MWD's concept, at the time of the adoption of the Riverside County General Plan, for the potential future development of the DVL lands. Following are the policies for development in the Diamond Valley Lake Policy Area (DVLPA):

Policies:

HVWAP 5.1 Continue cooperating with the Metropolitan Water District and the City of Hemet to encourage the development of a comprehensive program for recreational and support commercial facilities at Diamond Valley Lake.

HVWAP 5.2 All development shall occur through specific plans. Any specific plans adopted in the Diamond Valley Lake Policy Area shall be classified as Community Development Specific Plans.

~~HVWAP 5.3 The Diamond Valley Lake Policy Area, in its entirety, is included in the Highway 79 Policy Area (Circulation Element Policies C 2.6 and C 2.7).~~

HVWAP 5.4 Provided that total development intensity for the entire Diamond Valley Lake Policy Area is not increased beyond the level of development intensity established for this area at the time of the adoption of the General Plan, no general plan amendments shall be required to be filed and approved in order to authorize changes in mapped general plan designations, provided that any such changes are approved through specific plan applications (specific plans, specific plan amendments, substantial conformances, as appropriate). The approved specific plan applications will constitute the General Plan Element mapped land use designations for the areas so affected. In the event that total development intensity for the entire DVLPA would be exceeded due to any development proposal within the area, the application must be accompanied by, and approved through, a general plan amendment (GPA) application. No such GPA shall be subject to the General Plan Certainty System's eight-year amendment cycle and other procedural requirements applicable to Foundation Component amendments. Any such amendment shall be deemed an Entitlement/Policy amendment and be subject to the procedural requirements applicable to that category of amendments.

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Winchester Road/Newport Road Policy Area

The Winchester Road/Newport Road Policy Area consists of ~~the southwest one-quarter of~~ the southwest one-quarter of Section 34, Township 5 South, Range 2 West. This area is designated Commercial Retail and Commercial Tourist; however, portions of the area are subject to topographic constraints. The intent of this Policy Area is to direct most types of commercial use to the low-lying area, provided that development can coexist with the proximity of the Diamond Valley Reservoir West Dam. However, it is recognized that the hilltop area may present an opportunity for development of a destination site (lodging, dining establishment, retreat center, etc.). This upper area, if developed, must be designed with particular sensitivity toward maintaining the scenic values of this hill as seen by travelers on Winchester Road.

Policies:

- HVWAP 6.1 Development of the hilltop area shall be designed to maintain the scenic value of the hill, avoiding slope scarring.
- HVWAP 6.2 No structures for human occupancy shall be sited on lands in excess of 25% slope, ~~excluding existing building pads, if any,~~ unless site-specific investigation indicates that no adverse impacts or increased hazard would result, and that visual impacts can be mitigated.
- ~~HVWAP 6.3 Up to two access roads or driveways to the hilltop area may traverse areas in excess of 25% natural slope, provided that the roads or driveways are designed to minimize the visual impact on the hill while accommodating the requirements of emergency vehicles.~~

Highway 79 Policy Area

~~The purpose of the Highway 79 Policy Area is to address transportation infrastructure capacity within the policy area. Applicable policies are also located in the Circulation Element of the General Plan.~~

Policies:

- ~~HVWAP 7.1 Accelerate the construction of transportation infrastructure in the Highway 79 corridor between Temecula, Hemet, San Jacinto and Banning Policy Area. The County of Riverside shall require that all new development projects demonstrate adequate transportation infrastructure capacity to accommodate the added traffic growth. The County of Riverside shall coordinate with cities in the Highway 79 corridor to accelerate the usable revenue flow of existing funding programs, thus expediting the development of the transportation infrastructure.~~
- ~~HVWAP 7.2 Maintain program in the Highway 79 Policy Area to ensure that overall trip generation does not exceed system capacity and that the system operation continues to meet Level of Service standards. In general, the program would establish guidelines to be incorporated into individual Traffic Impact Analysis that would monitor overall trip generation from residential development to ensure that overall within the Highway 79 Policy Area development projects produce traffic generation at a level that is 9% less than the trips projected from the General Plan traffic model residential land use designations. Individually, projects could exceed the General Plan traffic model trip generation level, provided it can be demonstrated that sufficient reductions have occurred on other projects in order to meet Level of Service standards.~~

~~HWVAP 7.3 — To ensure that Riverside County’s traffic volume range breaks for the various facility types used to determine LOS stay current, review and update the thresholds periodically.~~

Specific Plans



The authority for preparation of specific plans is found in the California Government Code, Sections 65450 through 65457.

Specific plans are highly customized policy or regulatory tools that provide a bridge between the General Plan and individual projects in a more area-specific manner than is possible with community-wide zoning ordinances. The specific plan is a tool that provides land use and development standards that are tailored to respond to special conditions and aspirations unique to the area being proposed for development. These tools are a means of addressing detailed concerns that conventional zoning cannot do.

Specific Plans are identified in this section as Policy Areas because detailed development direction is provided in each plan. Policies related to any listed specific plan can be reviewed at the Riverside County Planning Department.

The six specific plans located in the Harvest Valley/Winchester planning area are listed in Table 3, Adopted Specific Plans in the Harvest Valley/Winchester Area Plan. Each of these specific plans is determined to be a Community Development Specific Plan.

Table 3: Adopted Specific Plans in the Harvest Valley/Winchester Area Plan

Specific Plan	Specific Plan #
Menifee North	260
The Crossroads in Winchester	288
Winchester Hills	293
BSA Properties	322
Trailmark	344
Domenigoni/Barton Properties ⁺	310

Source: County of Riverside Planning Department.

⁺ Portions of this specific plan extend into a neighboring Area Plan or City

Table 4: Airport Land Use Compatibility Criteria for Riverside County (Applicable to Hemet-Ryan Airport)^{1, 2, 3}

Safety Zone	Maximum Population Density	Maximum Coverage by Structures	Land Use
Area I	Residential with a 2 1/2 acre minimum lot size, but only at distances more than one mile from runway threshold.	Not Applicable	The following uses are permitted: agriculture and open space. No high risk land uses including: hazardous material facilities; institutional uses; places of assembly; critical facilities; and residential uses within one mile of the runway threshold. Discretionary review is required: commercial; industrial; and residential uses larger than 2 1/2 acre minimum lot size
Area II	Residential with a 2 1/2 acre minimum lot size.	Not Applicable	The following uses are permitted: industrial, agriculture and residential uses with 2 1/2 acre or greater lot sizes. Discretionary review is required: commercial uses. No public or private schools. No institutional uses. No places of assembly. No hazardous material facilities
Transition Area ³	20 dwelling units/acre	Not Applicable	The following uses are permitted: commercial; industrial; manufacturing; and agricultural uses.

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			Discretionary review is required: residential dwelling units/multiple family dwelling units; institutional uses; places of assembly; public and private schools; and hazardous material facilities or activities involving hazardous materials. All structures shall be limited to 35 feet in height, or two stories, whichever is less.
Area III	Not Applicable	Not Applicable	A wide range of uses is permitted. Discretionary uses include: structures over 35 feet or two stories whichever is greater; institutional uses; places of assembly; hazardous materials; public and private schools

1 The following uses shall be prohibited in all airport safety zones:

- a. Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA approved navigational signal light or visual approach slope indicator.
- b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
- c. Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
- d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and /or aircraft instrumentation.

2 Avigation easements shall be secured through dedication for all land uses permitted in any safety zones.

3 The Transition Area is located between Area II and Area III. It is 330 feet inside the Area II boundary and 660 feet outside the Area II boundary. If 50% or more of the project site is in the Transition Area, it is considered part of the Transition Area. The Transition Area does not extend beyond the outer boundary of Area III or extend into Area I.

Source: Extracted from Hemet-Ryan Airport Comprehensive Airport Land Use Plan

Table 5: Airport Land Use Compatibility Criteria for Riverside County (Applicable to March Joint Air Reserve Base)^{1,2}

Safety Zone	Maximum Population Density	Land Use
Area I	No Residential ³	No high risk land uses. High risk land uses have one or more of the following characteristics: a high concentration of people; critical facility status; or use of flammable or explosive materials. The following are examples of uses which have these higher risk characteristics. This list is not complete and each land use application shall be evaluated for its appropriateness given airport flight activities. <ul style="list-style-type: none"> ◆ Places of Assembly, such as churches, schools, and auditoriums. ◆ Large Retail Outlets, such as shopping centers, department stores, "big box" discount stores, supermarkets, and drug stores. ◆ High Patronage Services, such as restaurants, theaters, banks, and bowling alleys. ◆ Overnight Occupancy Uses, such as hospitals, nursing homes, community care facilities, hotels, and motels. ◆ Communication Facilities for use by emergency response and public information activities. ◆ Flammable or Explosive Materials, such as service stations (gasoline and liquid petroleum), bulk fuel storage, plastics manufacturing, food and flour mills, and breweries.
Area II	Residential: 2.5 acre minimum lots	
Area III	Not Applicable	

1 The following uses shall be prohibited in all airport safety zones:

- a. Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA approved navigational signal light or visual approach slope indicator.
- b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
- c. Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
- d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and /or aircraft instrumentation.

2 Avigation easements shall be secured through dedication for all land uses permitted in any safety zones.

3 Except at densities less than 0.4 DU/acre within specified areas as designated by the Airport Land Use Commission.

Source: Extracted from Riverside County Airport Land Use Plan

Land Use

While the General Plan Land Use Element and Area Plan Land Use Map guide future development patterns in the Harvest Valley/Winchester planning area, additional policy guidance is often necessary to address local land use issues that are unique to the area or that require special policies that go above and beyond those identified in the General Plan. The Local Land Use section provides a host of policies to address these issues. These policies may



Community Center Guidelines have been prepared to aid in the physical development of vibrant community centers in Riverside County. These guidelines are intended to be illustrative in nature, establishing a general framework for design while allowing great flexibility and innovation in their application. Their purpose is to ensure that community centers develop into the diverse and dynamic urban places they are intended to be. These guidelines will serve as the basis for the creation of specified community center implementation tools such as zoning classifications and specific plan design guidelines.

The Community Center Guidelines are located in Appendix J of the General Plan.

reinforce Riverside County regulatory provisions, preserve special lands or historic structures, require or encourage particular design features or guidelines, or restrict certain activities. The intent is to enhance and/or preserve the identity and character of this unique area.

Local Land Use Policies

Community Centers and Mixed-Use Areas/ Highest Density Residential Development Town Center

Community Centers

The Harvest Valley/Winchester Area Plan Land Use Plan identifies two Community Center Overlays within its planning area as shown in Figure 4, Overlays and Policy Areas. The Community Center Overlay land use designations allow a unique mix of employment, commercial, public, and residential uses. In order to promote a compact mixing of these uses, voluntary incentives may be necessary. The Community Center Overlay also allows development to meet the standards of the underlying land use designation. The Community Center Overlay will encourage and facilitate the creation of a sense of unity and coordination in the Community's Town Center, with land uses and transportation options (automobile, transit, bicycle, and pedestrian) being highly interconnected.

The first of the two Community Center Overlay land use designations is located in and near the Town Center core of the community of Winchester. The Community Center Overlay is bisected by Winchester Road which runs from north to south, and includes portions of Winchester that are located between Olive Avenue/Salt Creek and Grand Avenue, and between Rice Road and Patterson Avenue, and an area east of Patterson Avenue, between Grand Avenue and the identified railway line/route. Given the transportation opportunities and the presence of

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the nearby Diamond Valley Lake, this Community Center Overlay land use designation, together with the ~~partially overlapping and adjoining nine ten~~ neighborhoods (one Highest Density Residential (HHDR) neighborhood and eight Mixed-Use Area (MUA) neighborhoods) of Winchester Town Center ~~and West Winchester;~~ The Community Center Overlay land use designation allows the flexibility for this community to create a special place in western Riverside County. ~~The Community Center Overlay includes the portions of Winchester located between Longfellow and Whittier Avenues, and between Olive Avenue and 9th Street, that are not included in the Winchester Town Center neighborhoods.~~

The other Community Center Overlay designation is located ~~westerly along the west side~~ of Winchester Road, south of Holland Road, and applies to a portion of area covered by Specific Plan No. 310. This area is provided with the Community Center Overlay to allow the flexibility to create a village core that would serve the adjacent residences and become the focal point for the surrounding community. Alternatively, this area could be developed as an Entertainment Center to take advantage of the recreational and tourism opportunities presented by Diamond Valley Lake.

Policies:

- HVWAP 8.1 ~~Prepare~~Encourage a master plan or a specific plan be prepared to guide the pattern and form of new development. The master plan or specific plan shall cover the development of the entire Community Center Overlay land use designation and address the development standards, street scene, access, the relationship to surrounding properties, signage, and parking.
- HVWAP 8.2 Provide incentives, such as density bonuses and regulatory concessions, to property owners and developers to facilitate the development of affordable housing within community centers as designated on the Harvest Valley/Winchester Area Plan Land Use Plan, **Error! Reference source not found..**
- HVWAP 8.3 Ensure that community centers development adheres to those policies listed in the Community Centers Area Plan Land Use Designation section of the General Plan Land Use Element.
- HVWAP 8.4 Encourage community centers located in adopted specific plans to adhere to those policies listed in the Community Centers Area Plan Land Use Designation section of the General Plan Land Use Element.
- HVWAP 8.5 Encourage areas within Community Center Overlays to develop to land use standards for Community Centers as detailed in the Community Centers Area Plan Land Use Designation section of the General Plan Land Use Element, and within the Community Centers Guidelines.
- HVWAP 8.6 Allow the land uses within a Community Center Overlay to develop to the standards and uses of the underlying land use designation.
- HVWAP 8.7 Ensure sufficient pedestrian linkages to the Salt Creek corridor from the adjacent Winchester Community Center Overlay area.
- HVWAP 8.8 Encourage future development within the Winchester Community Center Overlay area to develop in a Western theme and incorporate a transit station along the railroad line.

Winchester Town Center

Winchester Town Center and Vicinity (see Figure 3A) is located within the heart of the community of Winchester – it covers the roughly one square mile area of the community’s Winchester Town Center core, which is bounded by Olive Avenue and Salt Creek on the south, Grand Avenue on the north, Rice Road on the west, and Patterson Avenue on the east, and extends northward to Grand Avenue, southeast of Double Butte. It includes ten Mixed-Use Areas (MUAs), which also includes the Winchester/Newport Road neighborhood and one Highest Density Residential (HHDR) neighborhood. The Town Center is bisected by Winchester Road (currently California Highway 79), which is the community’s main business corridor. A re-alignment of Highway 79 is planned for future development when funding becomes available. Winchester Town Center and vicinity provide higher density opportunities to encourage residential development consistent with site’s identified in the County’s Housing Element (2021-2029).

The Town Center retains a traditional “grid-like” street pattern, which will enable the future development of a vibrant, well-interconnected core with adequate multi-modal routes. Having adequate routes for automobile, pedestrian, bicycle, and transit, both inside the core and connecting to the core will reduce travel times and enhance convenient access to community facilities and services for both residents and visitors; and enhance the core’s potential as an even more prominent local and sub-regional activity center.

The Winchester Policy Area (WPA) is designed with a Town Center (“or core”), that includes or is surrounded by neighborhoods. The Town Center area and neighborhood areas are important and have special significance to the residents of the Winchester community. Many of the policies for these were derived from citizen input provided during the planning process. The purpose of organizing the WPA into distinct areas and neighborhoods is to:

- Provide greater housing variety and density, more *affordable housing*, life-cycle housing (e.g. starter homes to larger family homes to senior housing), workforce housing, veterans housing, etc.;
- Reduce distances between housing, workplaces, retail businesses and other amenities and destinations;
- Provide for better access to fresh, healthy foods (as food and retail and farmers markets can be accessed on foot or through bike or transit);
- Promote more compact development, land use synergy (e.g. residents provide customers for retail which provide amenities for residents);
- Encourage stronger neighborhood character and sense of place;
- Create a sustainable multi-modal transportation network. Ex. Walkable, bicycle-friendly environments with increased accessibility via transit resulting in reduced transportation costs;
- Encourage the assembly of small parcels into larger project areas that can be developed for mixed residential and commercial development without the requirement for general plan amendments, helping to revitalize the area, encourage new balanced economic development, and provide for new local infrastructure improvements; and,
- Encourage commercial development to be near intersections and clustered as opposed to strip or piecemeal development spread along the Grand Avenue corridor.

Winchester Town Center and Neighborhoods General Policies

The following policies apply within Winchester Town Center (WTC) and neighborhoods within the Winchester Policy Area (WPA), unless specified differently within any policy:

HWVAP 3.## Sites identified in the County’s Adequate Sites Inventory should be developed in accordance with the estimated density and affordability levels adopted as part of the the

County's Housing Element. Where not feasible to develop affordable housing on a specific site, the affordable housing should be developed within an alternative area within or as close as possible to, the WTC area.

HVWAP 3.### Encourage the development of a master plan or a specific plan to guide the pattern and form of new development. The master plan or specific plan should cover the development of the Winchester Town Center and address the Western design theme, development standards, street scene, access, the relationship to surrounding properties, signage, and parking.

HVWAP 3.### Development may include live-work spaces within MUAs where appropriate.

HVWAP 3.### Development within WTC and neighborhoods should promote livable neighborhoods that provide housing, employment, goods and services, open space and recreation, and multi-modal transportation options within close proximity to each other.

HVWAP 3.### Highest density residential development with affordable housing is encouraged with use of applicable county and state incentives and requirements.

HVWAP 3.### Neighborhoods should include, as appropriate, local neighborhood parks, open space and recreational areas/facilities other active and passive recreational uses.

HVWAP 3.### Development within neighborhoods should be compatible with adjacent uses. More intensive and impactful uses should incorporate additional landscaping and or design features to mitigate impacts to surrounding residential or sensitive uses.

HVWAP 3.### Neighborhood design and theme should enhance the appearance and identity of the specific neighborhood, while maintaining a general western theme.

HVWAP 3.### Commercial uses within MUAs should be oriented towards roads and away from residential areas located outside of the neighborhood.

HVWAP 3.### Residential uses with varying levels of density should be used as a transitional buffer between the nonresidential and mixed uses within a neighborhood and lower density residential uses outside of a neighborhood.

HVWAP 3.### Multi-story buildings are encouraged within commercial and mixed-use areas with transitions down to two-or one-story buildings abutting and adjacent to lower-density residential neighborhoods.

HVWAP 3.### Ground-floor commercial development is encouraged on the first floor of buildings facing the adjoining sidewalks and pedestrian spaces.

HVWAP 3.### Commercial parking should be located to the rear or within structures and screened from any public right-of-way with incorporation of landscaping, walls, and berms with trees or similar features.

HVWAP 3.### Uses approved and operating under an existing valid entitlement may remain, or be converted into another land use in accordance with Riverside County Ordinance No. 348

and consistency with these policies.

HVWA) 3.## Consider the use of Transfer of Development Rights Program to facilitate development of the Winchester Town Center area. The use of a Transfer of Development Rights Program shall be subject to review and approval by the Planning Director.

Winchester Town Center’s ten neighborhoods and the policies that apply to them are described in detail below. The neighborhood descriptions and policies are presented as follows: the sole HHDR-designated neighborhood contained in Winchester Town Center is described first; then, Winchester Town Center’s and the West Winchester MUA-designated neighborhoods are described. The presentation of the policies is organized as follows: first, the policy or policies pertaining solely to each neighborhood are listed directly under that neighborhood’s description; then, the policies pertaining to all neighborhoods, whether they are designated HHDR or MUA, are presented.

Highest Density Residential (HHDR) Neighborhood Description and Mixed-Use Area (MUA):

Below are descriptions of each of the nine Town Center neighborhoods and West Winchester neighborhood:

Neighborhood 1 - Double Butte View contains about 33 gross acres (about 31 net acres) and is currently vacant. Visually imposing Double Butte is located nearby to the north. This neighborhood is located directly west of the Winchester Transit Center Neighborhood, and is planned to contain, at a 100% level, HHDR units to accommodate residents desiring convenient, walkable access to nearby local community commercial services and facilities and services, and potentially in the future to regional jobs and other destinations via passenger rail transportation. The neighborhood should contain local park and recreation facilities, and potentially, community facilities.

Neighborhood 2 - Winchester Transit Center contains about 28 gross acres (about 25 net acres). This neighborhood is envisioned as a potential location for a future commuter transit station when rail service is extended from Perris to Hemet and beyond. This neighborhood is designated as a MUA, with a required 50% HHDR component. The remainder of the neighborhood would consist of the train station, including parking and shuttle accommodations, and retail commercial, office, and other land use types that would benefit from this strategic transit-centered location.

Neighborhood 3 - Winchester Northeast contains about 22 gross acres (about 19 net acres). Existing land usage consists of several existing single-family homes. The neighborhood is in the northeastern part of Winchester Town Center, between Winchester Road and Whittier Avenue, and between 9th Street and Asbury Street. This neighborhood will be developed as a MUA, with a 50% required HHDR component. The remaining neighborhood uses will include job-creating retail commercial facilities, offices, and other land use types supporting the overall viability and interactivity of the neighborhood.

Neighborhood 4 - Patterson Avenue North contains about 41 gross acres (about 36 net acres). It is located between Whittier and Patterson Avenues, and between Simpson Road and the existing Railway route. This neighborhood is designated as a MUA, with a required 25% HHDR component. The other neighborhood uses may include residential uses at lower densities than HHDR, parks and recreation facilities, and civic uses, and should include job-creating retail commercial, office, and other commercial uses. Generally, the commercial uses should be located along and near Simpson Road, and to a lesser degree, Patterson Avenue.

Neighborhood 5 - Simpson Road West contains about 85 gross acres (about 68 net acres). This neighborhood is situated very close – just to the north - of Winchester Elementary School and Valley-Wide Recreation Center/Winchester Park. Specifically, it covers an irregularly shaped area very generally located between Rice Road

and Winchester Road, and between Taylor Street and Haddock Street. This neighborhood is designated as MUA, with a required 35% HHDR component. It has residential neighborhood locational advantages, including close-at-hand access to Winchester Elementary School, Winchester Park recreational facilities, and Salt Creek, with its planned Class 1 Bike Path. Appropriate uses here, in addition to HHDR, will include primarily residential uses of lower densities than HHDR. Also, job-producing retail commercial, office, and other commercial services will be appropriately located along and near Winchester and Simpson Roads.

Neighborhood 6 - Simpson Road East contains about 13 gross acres (about 9 net acres). This neighborhood is located primarily along Simpson Road, between Winchester Road and Whittier Avenue, and north of Gough Street. Fifty percent (50%) of this neighborhood will be developed as HHDR, primarily to accommodate residents desiring very convenient access to commercial services in the heart of the community. This neighborhood will particularly benefit from reduced distances between housing, workplaces, retail business, and other amenities and destinations. Job-producing retail, office, and other commercial uses should be located primarily along Winchester and Simpson Roads.

Neighborhood 7 - Salt Creek West contains about 31 gross acres (about 28 net acres). This neighborhood is conveniently located immediately to the southwest of Winchester Elementary School and Valley-Wide Recreation Center. Fifty (50%) percent of this neighborhood will be developed as HHDR, which will be very conveniently located near community educational and recreational services. Other uses in this MUA should include primarily lower density (lower than HHDR) residential uses and recreational uses. Small-scale retail and office commercial uses may be located along Rice Road and Olive Avenue. This neighborhood is strategically located adjacent to the planned 16 mile-long Salt Creek. Multiple trailheads should be provided from this neighborhood to the Salt Creek Trail, and numerous conveniently located pedestrian and bicycle connections should also be provided to the west, north, and east, thereby facilitating pedestrian and bicycle access between this neighborhood and Winchester Elementary School and Winchester Park's recreational and civic facilities, and between Salt Creek and the rest of the Winchester community.

Neighborhood 8 - Patterson Avenue South contains about 70 gross acres (about 63 net acres). Except for the southwestern part of this neighborhood, the neighborhood is primarily located between Whittier and Patterson Avenues. It extends from Simpson Road on the north to ~~south of Haddock Street~~ on the south. Thirty-five (35%) percent of this neighborhood will be developed as HHDR. Other neighborhood uses may include residential uses of lower densities than HHDR, parks and recreational facilities, and job-producing retail commercial, offices, and other commercial uses located along Simpson Road, and to a lesser degree, Patterson Avenue.

Neighborhood 9 - Salt Creek East contains about 41 gross acres (about 37 net acres). It is located along the north side of Olive Avenue, between Winchester Road and Patterson Avenue. Fifty (50%) percent of this neighborhood will be developed for HHDR, with the remainder mostly developed for lower density (lower than HHDR) residential uses, and park and recreational uses. A limited amount of job-producing retail and other commercial uses may be sited along Patterson and Olive Avenues. This neighborhood should feature frequent points of access to the Salt Creek Trail, and pedestrian and bicycle passages through the neighborhood to ensure convenient and inviting access to the trail for residents of both this neighborhood and surrounding community areas to the west, north, and east.

Neighborhood 10 - West Winchester contains about 244 gross acres (about 232 net acres), which will be developed with twenty-five (25%) percent Highest Density Residential (HHDR) development. The remainder of the neighborhood may be developed in a mixture of residential uses at lower densities than HHDR, community facilities including park and recreation and trail facilities, and, potentially, schools and other community facilities. A limited amount of job-producing retail commercial and office commercial uses may be appropriate along Rice Road.

This neighborhood is planned to contain a mixture of pedestrian and bicycle linkages both internal to the neighborhood and to surrounding community parks, schools, and commercial areas.

Winchester Town Center (see Figure 3A) is located in the heart of the community of Winchester—it covers more than half of the roughly one square mile area of the community’s core. It includes eight planned Mixed Use Area (MUA) designated neighborhoods and one Highest Density Residential (HHDR) designated neighborhood, together covering a total of about 364 gross acres. Most of Winchester’s existing single family residences and businesses are concentrated in blocks or portions of blocks located along or near Winchester Road, generally between Longfellow and Whittier Avenues, and are not included in Winchester Town Center’s nine planned MUA and HHDR designated neighborhoods described herein. The nine Winchester Town Center neighborhoods contain many vacant and mostly vacant parcels. These neighborhoods generally also contain a few small clusters of single family residences, scattered single family residences, and a few businesses (the latter of which are primarily located along Winchester Road). The policies below would ensure that compatible uses—whether one- or two-story buildings, parks and trails, or local streets are provided as transitional land uses where more intense HHDR and MUA developments would adjoin existing low profile (usually one-story) single family residential neighborhoods—

The Winchester core retains a traditional “grid like” street pattern. This will enable the future development of a vibrant, well interconnected community having frequent pedestrian, bicycle, automobile, bus, and, potentially in the future, train access shuttle routes both inside the core and connecting the core to adjacent community areas that will reduce travel times, enhance convenient access to community facilities and services for both local residents and visitors, and enhance the core’s potential as an even more prominent local and sub-regional activity center.—

Winchester Town Center is planned along both the east and west sides of Winchester Road (California Highway 79), which is the community’s main business street. It lies along the north side of Salt Creek, between Rice Road on the west and Patterson Avenue on the east, and extends northward to 9th Street, near Double Butte. Highway 79 is proposed for relocation to the eastern side of Winchester, as part of a major project to provide a new, upgraded highway route connecting Winchester with I 15 to the south in Temecula and I 10 to the north in Beaumont. Simpson Road is the community core’s primary east-west street, and is located in the center of the community. In the future, Grand Avenue, which is located along the northern edge of the community’s core, and is designated as an Urban Arterial, will be one of the community’s major east-west transportation routes, joining existing Domenigoni Parkway, which lies to the south of Salt Creek, in providing the Winchester community core’s connections with Menifee and I-215 on the west and Hemet on the east. Riverside Transit Agency currently provides local bus service, primarily along Winchester Road and Domenigoni Parkway, connecting Winchester to Menifee, Hemet, Murrieta, and Temecula. Currently unused, a BNSF Railway route, oriented in an east-west fashion, is located in the northerly part of Winchester’s core between Asbury and 9th Streets. This route may provide the potential location for future Metrolink commuter train service from the terminus of the new Perris Valley Line, in Perris, through Winchester, to Hemet.—

Salt Creek is a fairly wide, channelized soft bottom riverine open space area, and is the location for a new 16 mile-long Class 1 Bike Path that will eventually connect Winchester with Lake Elsinore to the west, and Hemet to the east. Diamond Valley Lake, a major regional reservoir and recreational area for boating, fishing, and trail activities, is located nearby to the southeast. Double Butte provides an imposing mountainous backdrop to the community on its northwestern side.

Existing community facilities in Winchester’s community core area include Winchester Elementary School, Winchester Park, which contains outdoor recreational facilities including ballfields, an indoor gymnasium and community meeting facilities, and a Riverside County Fire Station.—

Harvest Valley/Winchester Area Plan

~~Winchester Town Center and its nine neighborhoods will benefit from reduced distances between housing, workplaces, retail businesses, and other services, amenities, and destinations. In addition, a walkable, bicycle-friendly environment with increased accessibility via bus and potentially train transit will result in more transportation options and reduced transportation costs for the community's residents and employees.~~

~~Winchester Town Center's nine neighborhoods and the policies that apply to them are described in detail below. The neighborhood descriptions and policies are presented as follows: the sole HHDR designated neighborhood contained in Winchester Town Center is described first; then, Winchester Town Center's eight MUA designated neighborhoods are described. The presentation of the policies is organized as follows: first, the policy or policies pertaining solely to each neighborhood are listed directly under that neighborhood's description; then, the policies pertaining to all neighborhoods, whether they are designated HHDR or MUA, are presented.~~

~~Highest Density Residential Area (HHDR) Neighborhood Description and Policy:~~

~~Following is a description of the only neighborhood in Winchester Town Center designated for 100% HHDR development, and the policy specific to the neighborhood:~~

~~**Double Butte View Neighborhood [Neighborhood 1]** contains about 33 gross acres (about 31 net acres) and is currently vacant. Visually imposing Double Butte is located nearby to the north. This neighborhood is located directly west of the Winchester Transit Center Neighborhood, and is planned to contain, at a 100% level, HHDR units to accommodate residents desiring convenient, walkable access to nearby local community commercial services and facilities and services, and potentially in the future to regional jobs and other destinations via passenger rail transportation. The neighborhood should contain local park and recreation facilities, and potentially, community facilities.~~

Policy:

~~HWAP 8.9 — The entire Double Butte View Neighborhood shall be developed in accordance with the HHDR land use designation.~~

~~Mixed-Use Area (MUA) Neighborhoods Descriptions and Policies:~~

~~Following is a description of each of the eight MUA neighborhoods in Winchester Town Center, and the policy or policies specific to each of these neighborhoods:~~

~~**Winchester Transit Center Neighborhood [Neighborhood 2]** contains about 28 gross acres (about 25 net acres). Existing land usage consists of several single family homes. This neighborhood is envisioned as a potential location for a future commuter transit station, if and when Metrolink service is extended from Perris, its current terminus at the end of the Perris Valley Line, to Winchester, and beyond to Hemet. This neighborhood is designated as a MUA, with a required 50% HHDR component. The remainder of the neighborhood would consist of the train station, including parking and shuttle accommodations, and retail commercial, office, and other land use types that would benefit from this strategic transit-centered location. This neighborhood will benefit from reduced distances between housing, workplaces, retail businesses, and other amenities and destinations. In addition, a walkable, bicycle-friendly environment with increased accessibility via transit will result in reduced transportation costs. This neighborhood, even more so than the others in Winchester Town Center, should contain very frequent pedestrian, bicycle, automobile, and transit shuttle passages, both internal within the neighborhood as well as leading to the neighborhood's edges, to ensure both a high degree of interaction between uses within the neighborhood plus~~

~~frequent, easy, and inviting access facilities to the transit service and commercial services from surrounding community neighborhoods.~~

Policy:

~~HVWAP 8.10—Fifty percent of the Winchester Transit Center Neighborhood shall be developed in accordance with the HHDR land use designation.~~

~~**Winchester Northeast Neighborhood [Neighborhood 3]** contains about 22 gross acres (about 19 net acres). Existing land usage consists of several existing single family homes. The neighborhood is located in the northeastern part of Winchester Town Center, between Winchester Road and Whittier Avenue, and between 9th Street and Asbury Street and the BNSF Railway route. This neighborhood will be developed as a MUA, with a 50% required HHDR component. The remaining neighborhood uses will include job-creating retail commercial facilities, offices, and other land use types supporting the overall viability and interactivity of the neighborhood.~~

Policy:

~~HVWAP 8.11—Fifty percent of the Winchester Northeast Neighborhood shall be developed in accordance with the HHDR land use designation.~~

~~**Patterson Avenue North Neighborhood [Neighborhood 4]** contains about 41 gross acres (about 36 net acres). This neighborhood contains several single family residential homes. It is located between Whittier and Patterson Avenues, and between Simpson Road and the BNSF Railway route. This neighborhood is designated as a MUA, with a required 25% HHDR component. The other neighborhood uses may include residential uses at lower densities than HHDR, parks and recreation facilities, and civic uses, and should include job-creating retail commercial, office, and other commercial uses. Generally, the commercial uses should be located along and near Simpson Road, and to a lesser degree, Patterson Avenue.~~

Policy:

~~HVWAP 8.12—Twenty-five percent of the Patterson Avenue North Neighborhood shall be developed in accordance with the HHDR land use designation.~~

~~**Simpson Road West Neighborhood [Neighborhood 5]** contains about 85 gross acres (about 68 net acres), and existing land usage consists of a several scattered single family residential homes, and businesses and a U.S. Post Office located along Winchester Road. This neighborhood is situated very close—just to the north—of Winchester Elementary School and Valley-Wide Recreation Center/Winchester Park. Specifically, it covers an irregularly shaped area very generally located between Rice Road and Garfield Avenue, and between Taylor Street and Haddock Street. This neighborhood is designated as a MUA, with a required 35% HHDR component. In particular, it has residential neighborhood locational advantages, including close-at-hand access to Winchester Elementary School, Winchester Park recreational facilities, and Salt Creek, with its planned Class 1 Bike Path. Appropriate uses here, in addition to HHDR, will include primarily residential uses of lower densities than HHDR. Also, job-producing retail commercial, office, and other commercial services will be appropriately located along and near Winchester and Simpson Roads.~~

Policy:

~~HVWAP 8.13—Thirty-five percent of the Simpson Road West Neighborhood shall be developed in accordance with the HHDR land use designation.~~

~~**Simpson Road East Neighborhood [Neighborhood 6]** contains about 13 gross acres (about 9 net acres) and several scattered businesses and single family residences. This neighborhood is located primarily along Simpson Road, between Winchester Road and Whittier Avenue, and north of Gough Street. Fifty percent of this neighborhood will be developed as HHDR, primarily to accommodate residents desiring very convenient access to commercial services in the heart of the community. This neighborhood will particularly benefit from reduced distances between housing, workplaces, retail business, and other amenities and destinations. Job producing retail, office, and other commercial uses should be located primarily along Winchester and Simpson Roads.~~

Policy:

~~HWAP 8.14—Fifty percent of the Simpson Road East Neighborhood shall be developed in accordance with the HHDR land use designation.~~

~~**Salt Creek West Neighborhood [Neighborhood 7]** contains about 31 gross acres (about 28 net acres), and is currently vacant. This neighborhood is conveniently located immediately to the southwest of Winchester Elementary School and Valley Wide Recreation Center at the southwestern corner of Winchester Town Center. Fifty percent of this neighborhood will be developed as HHDR, which will be very conveniently located near community educational and recreational services. Other uses in this MUA should include primarily lower density (lower than HHDR) residential uses and recreational uses. Small scale retail and office commercial uses may be located along Rice Road and Olive Avenue. This neighborhood is strategically located adjacent to the planned 16 mile long Salt Creek Class 1 Bike Path, providing convenient pedestrian and bicycle recreation adjacent to the neighborhood. Multiple trailheads should be provided from this neighborhood to the Salt Creek Trail, and numerous conveniently located pedestrian and bicycle connections should also be provided to the west, north, and east, thereby facilitating pedestrian and bicycle access between this neighborhood and Winchester Elementary School and Winchester Park's recreational and civic facilities, and between Salt Creek and the rest of the Winchester community.~~

Policies:

~~HWAP 8.15—Fifty percent of the Salt Creek West Neighborhood shall be developed in accordance with the HHDR land use designation.~~

~~HWAP 8.16—Development in the Salt Creek West Neighborhood should be designed to provide for frequent, convenient, and enticing access for pedestrians and bicyclists to the Salt Creek Class 1 Bike Path, and for convenient access to other community areas located to the west, north, and east of this neighborhood.~~

~~**Patterson Avenue South Neighborhood [Neighborhood 8]** contains about 70 gross acres (about 63 net acres) and some existing development. Except for the southwestern part of this neighborhood, the neighborhood is primarily located between Whittier and Patterson Avenues. It extends from Simpson Road on the north to south of Haddock Street. Thirty five percent of this neighborhood will be developed as HHDR. Other neighborhood uses may include residential uses of lower densities than HHDR, parks and recreational facilities, and job producing retail commercial, offices, and other commercial uses located along Simpson Road, and to a lesser degree, Patterson Avenue.~~

Policy:

~~HWAP 8.17—Thirty five percent of the Patterson Avenue South Neighborhood shall be developed in accordance with the HHDR land use designation.~~

~~Salt Creek East Neighborhood [Neighborhood 9] contains about 41 gross acres (about 37 net acres) and is mostly vacant. It is located along the north side of Olive Avenue, between Winchester Road and Patterson Avenue. This neighborhood has about a one-half mile frontage along the proposed Salt Creek Class 1 bike Path, providing opportunities for both local and regional recreational access (with eventual connections to the Lake Elsinore and Hemet communities). Fifty percent of this neighborhood will be developed for HHDR, with the remainder mostly developed for lower density (lower than HHDR) residential uses, and park and recreational uses. A limited amount of job producing retail and other commercial uses may be sited along Patterson and Olive Avenues. This neighborhood should feature frequent points of access to the Salt Creek Trail, and pedestrian and bicycle passages through the neighborhood to ensure convenient and inviting access to the trail for residents of both this neighborhood and surrounding community areas to the west, north, and east.~~

Policies:

~~HWAP 8.18 — Fifty percent of the Salt Creek East Neighborhood shall be developed in accordance with the HHDR land use designation.~~

~~HWAP 8.19 — Development in the Salt Creek East Neighborhood should be designed to provide for frequent, convenient, and enticing access for pedestrians and bicyclists to the Salt Creek Regional Trail, and for convenient access to other community areas located to the west, north, and east of this neighborhood.~~

~~Policies applying to all Neighborhoods of Winchester Town Center, whether they are designated Highest Density Residential (HHDR) or Mixed-Use Area (MUA):~~

~~The following policies apply to all of the neighborhoods in Winchester Town Center, whether they are designated HHDR or MUA:~~

~~HWAP 8.20 — Design and locate development to provide for walkable connections between on-site uses, and convenient pedestrian and bicycle connections, and as feasible and appropriate, bus and train shuttle connections (if passenger train service becomes locally available) to adjacent and nearby communities, businesses, parks and open space areas, and transit access opportunities.~~

~~HWAP 8.21 — Utilize development design to facilitate convenient bus transit access to each neighborhood, and to provide for well-designed and convenient pedestrian, bicycle, and potential transit shuttle access to potential regional transit facilities. In addition, the Winchester Transit Center Neighborhood should be designed to accommodate frequent and convenient access for pedestrian, bicycle, bus and transit shuttle, and automobile access from surrounding neighborhoods to a potential on-site regional transit station located within the Winchester Transit Center Neighborhood.~~

~~HWAP 8.22 — Development in Mixed-Use Areas should include either or both side-by-side and vertical mixed uses.~~

~~HWAP 8.23 — Where necessary to ensure compatible transitions between land use types, development adjoining existing single family residential uses should use a combination of low-profile (usually one- or two-story) buildings, trails, parks and recreation areas, and other compatible, low profile uses to ensure appropriate transitions and buffering between differing land use types.~~

Harvest Valley/Winchester Area Plan

- ~~HWAP 8.24~~ Include local neighborhood parks and as feasible, community parks and recreation facilities, and convenient pedestrian, bicycle, bus transit, and automobile access to them from surrounding neighborhoods and community areas.—
- ~~HWAP 8.25~~ Locate and design all businesses and other land uses that attract high traffic volumes away from the sites of existing and planned elementary, middle, and high schools.—
- ~~HWAP 8.26~~ Non HHDR development within MUA designated neighborhoods should utilize mutually supportive mixes of retail, commercial, office, industrial, civic, park and recreational, and other types of uses that result in vibrant neighborhoods with internal compatibility.—
- ~~HWAP 8.27~~ Uses approved and operating under an existing valid entitlement may remain or be converted into another land use in accordance with Riverside County Ordinance No. 348 and consistent with these policies.—

Winchester Community – Western Area (Mixed-Use Area)

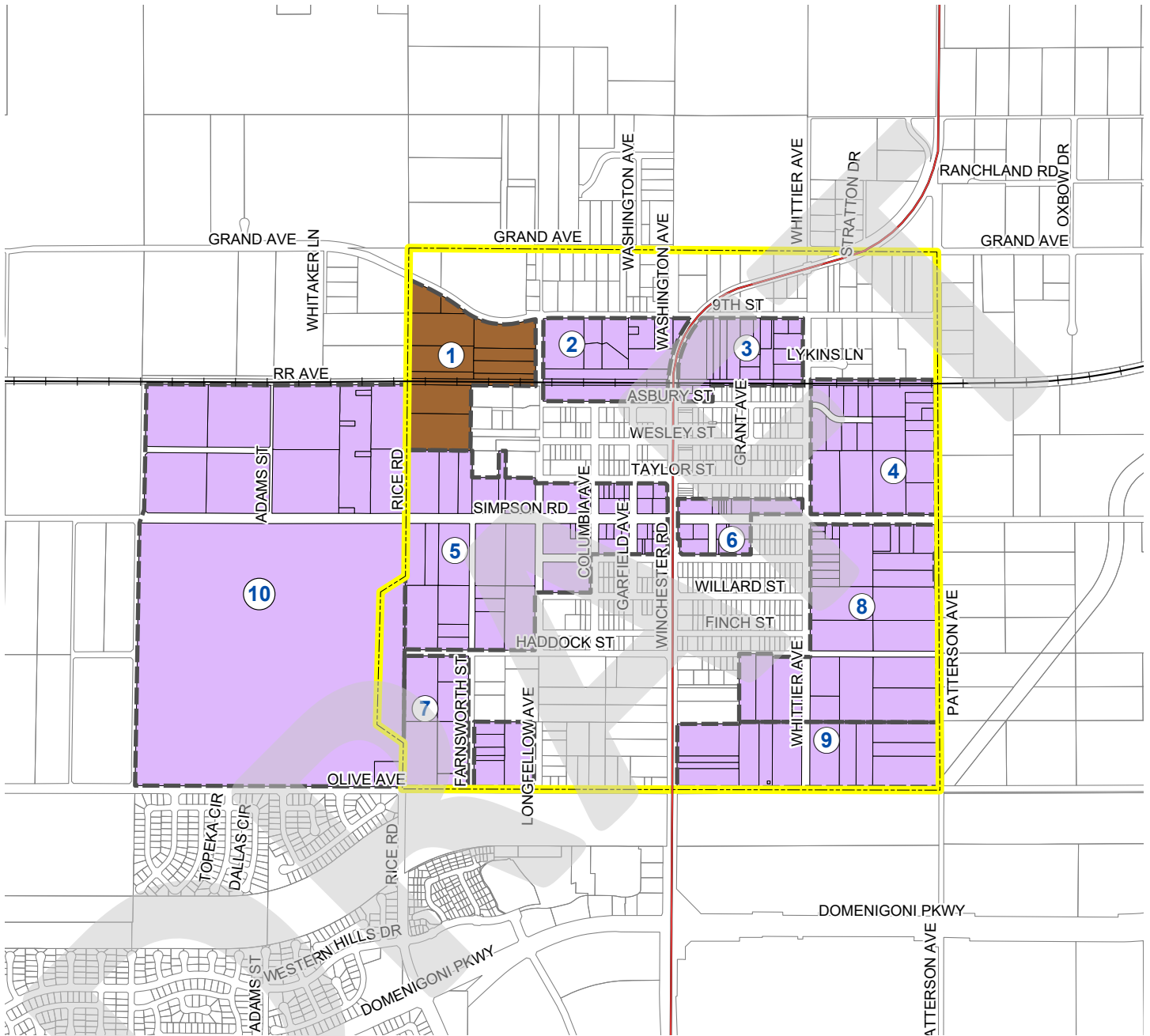
~~**Winchester Community – Western Area** (see Figure 3B) contains one neighborhood, the **West Winchester Neighborhood [Neighborhood 1]**. It contains about 244 gross acres (about 232 net acres), and is planned as a Mixed-Use Area (MUA) containing 25% Highest Density Residential (HHDR) development. Other neighborhood uses will include residential uses at lower densities than HHDR, community facilities including park and recreation and trail facilities, and, potentially, schools and other community facilities. A limited amount of job-producing retail commercial and office-commercial uses may be appropriate along Rice Road. This neighborhood is conveniently located less than one-half mile west of Winchester Elementary School and Valley Wide Recreation Center's Winchester Park, with its outdoor park and ballfields, and gym and public meeting facilities. Although not located directly adjacent to Salt Creek, it is located very close to the planned 16-mile-long Salt Creek Class 1 Bike Path. This neighborhood is planned to contain a mixture of pedestrian and bicycle linkages both internal to the neighborhood and to surrounding community parks, schools, and commercial areas.—~~

~~Following are the policies applying to the West Winchester Neighborhood:~~

- ~~HWAP 8.28~~ Twenty-five of the West Winchester Neighborhood [Neighborhood 1] shall be developed in accordance with the HHDR land use designation. The remainder of the neighborhood may be developed in a mixture of lower residential densities (lower than HHDR), park and recreation and trail facilities, schools and community facilities, and very limited commercial services, all of which are supportive of the primary residential nature of this neighborhood and the surrounding community.—
- ~~HWAP 8.29~~ Design and locate all development in such a manner as to provide for frequent and convenient pedestrian and bicycle connections between the various sections of the neighborhood, and as feasible and appropriate, bus and train shuttle connections (if passenger train service becomes locally available) to adjacent and nearby communities, businesses, parks and open space areas, and transit access opportunities.—
- ~~HWAP 8.30~~ Design development to facilitate convenient bus transit access to the site, and to provide for well-designed and convenient pedestrian, bicycle, and potential transit shuttle access to potential regional transit facilities.—
- ~~HWAP 8.31~~ Utilize both side-by-side and vertical mixed uses in this Mixed-Use Area neighborhood.—





~~HWAP 8.32 — Include, as appropriate, local neighborhood parks, community park and recreation facilities, convenient pedestrian, bicycle, and as appropriate, bus transit and automobile access to them from surrounding neighborhood and community areas. —~~

~~HWAP 8.33 — Uses approved and operating under an existing valid entitlement may remain, or be converted into another land use in accordance with Riverside County Ordinance No. 348 and consistent with these policies.~~



Source: Riverside County

**COMMUNITY DEVELOPMENT
LAND USE DESIGNATIONS:**

-  Highest Density Residential
-  Mixed-Use Area
-  Downtown Winchester
-  Railroads

HHDR / MUA NEIGHBORHOODS:

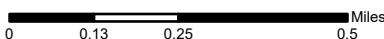
- | | |
|------------------------------|---------------------------|
| 1- Double Butte View | 6- Simpson Road East |
| 2- Winchester Transit Center | 7- Salt Creek West |
| 3- Winchester Northeast | 8- Patterson Avenue South |
| 4- Patterson Avenue North | 9- Salt Creek East |
| 5- Simpson Road West | 10- West Winchester |

Figure 3

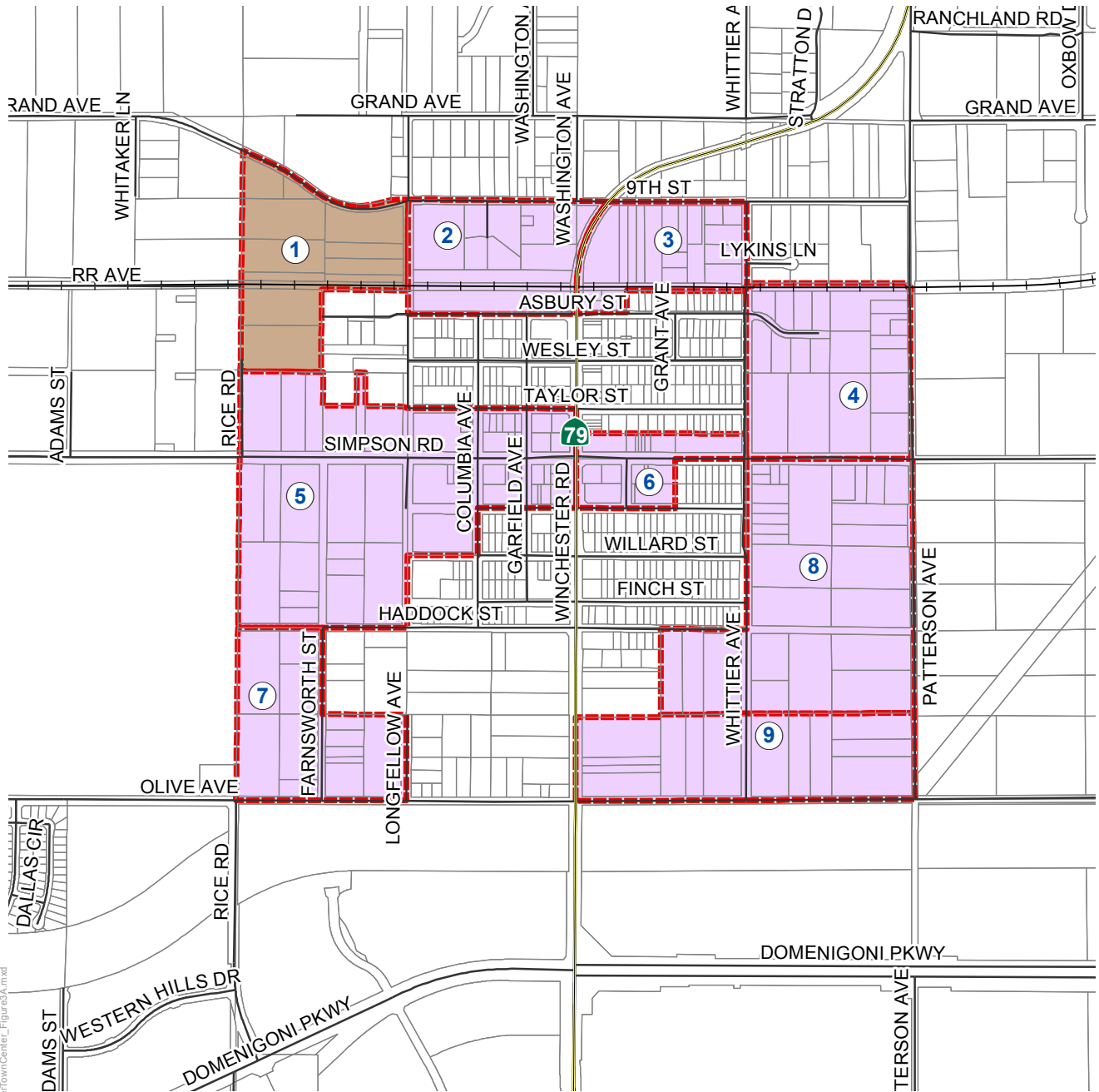
**HARVEST VALLEY / WINCHESTER
AREA PLAN
WINCHESTER TOWN CENTER
NEIGHBORHOODS**

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

 Date Exported: 7/19/2024



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Source: Riverside County

**COMMUNITY DEVELOPMENT
LAND USE DESIGNATIONS:**

-  Highest Density Residential
-  Mixed-Use Area
-  Railroads

HHDR / MUA NEIGHBORHOODS:

- 1- Double Butte View
- 2- Winchester Transit Center
- 3- Winchester Northeast
- 4- Patterson Avenue North
- 5- Simpson Road West
- 6- Simpson Road East
- 7- Salt Creek West
- 8- Patterson Avenue South
- 9- Salt Creek East

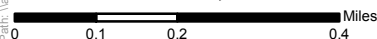
To be removed, neighborhood added to Figure 3
~~Figure 3A~~

~~HARVEST VALLEY / WINCHESTER
 AREA PLAN
 WINCHESTER TOWN CENTER
 NEIGHBORHOODS~~

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

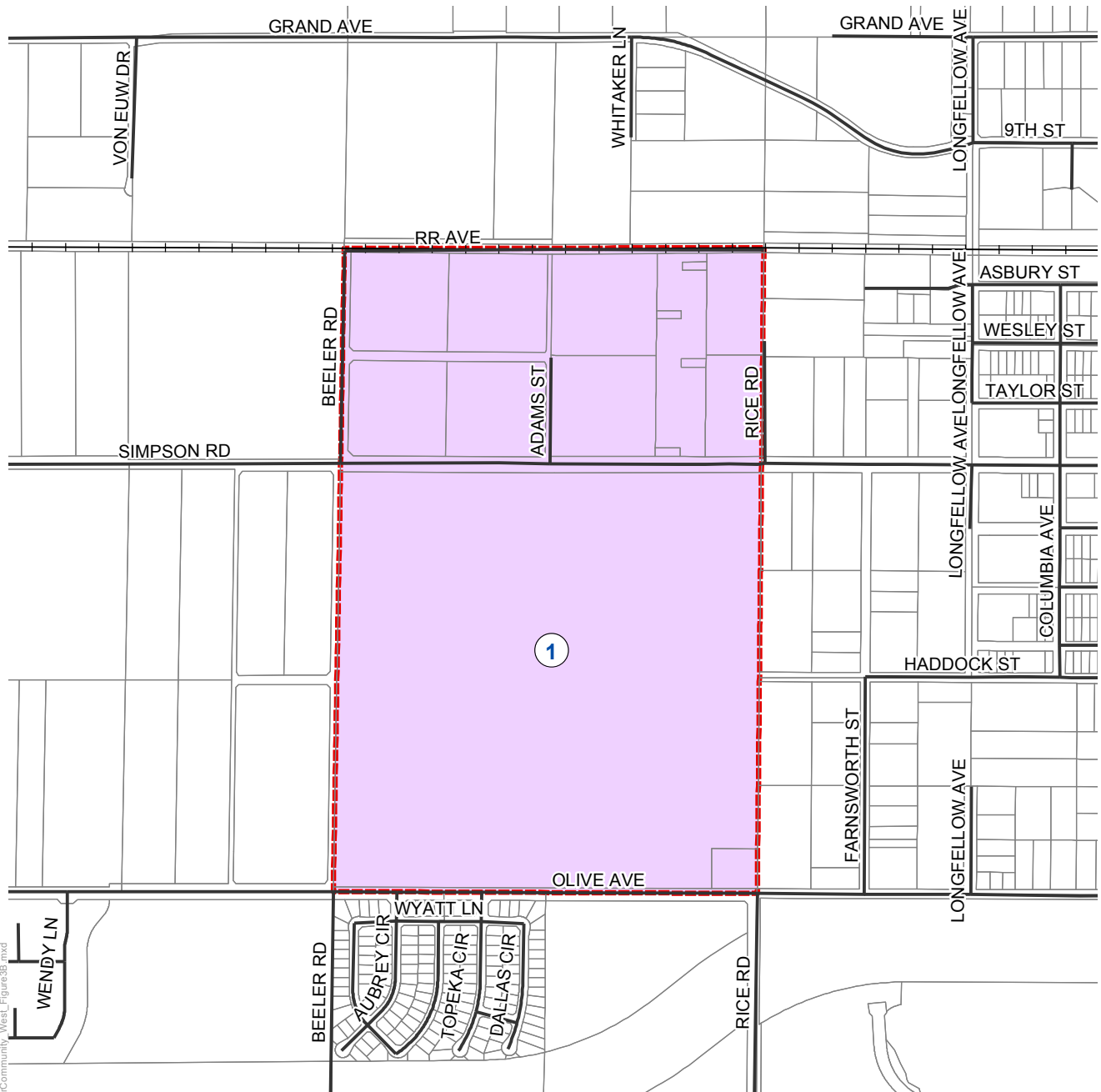


Dec. 6, 2016



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Source: Riverside County

**COMMUNITY DEVELOPMENT
LAND USE DESIGNATIONS:**

 **Mixed-Use Area**

 **Railroads**

**MUA NEIGHBORHOOD:
1- West Winchester**

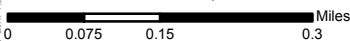
To be removed, neighborhood added to Figure 3
— **Figure 3B**

~~HARVEST VALLEY / WINCHESTER~~
~~AREA PLAN~~
~~WINCHESTER COMMUNITY:~~
~~(WESTERN AREA)~~
~~NEIGHBORHOODS~~

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



Dec. 6, 2016



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Mount Palomar Nighttime Lighting

The Mount Palomar Observatory, located in San Diego County, requires unique nighttime lighting standards so that the night sky can be viewed clearly. The following policies are intended to limit light leakage and spillage that may obstruct or hinder the Observatory's view. Please see Figure 7, Mt. Palomar Nighttime Lighting Policy, for areas that may be impacted by these standards.

Policy:

HVWAP 9.1 Adhere to the lighting requirements specified in Riverside County Ordinance No. 655 for standards that are intended to limit light leakage and spillage that may interfere with the operations of the Mount Palomar Observatory.

Third and Fifth Supervisorial District Design Standards and Guidelines

In July 2001, the County of Riverside adopted a set of design guidelines applicable to new development within the Third and Fifth Supervisorial Districts. The Design Standards and Guidelines for the Third and Fifth Supervisorial Districts are for use by property owners and design professionals submitting development applications to the Riverside County Planning Department. The guidelines have been adopted to advance several specific development goals of the Third and Fifth Districts. These goals include: ensuring that the building of new homes is interesting and varied in appearance; utilizing building materials that promote a look of quality development now and in the future; encouraging efficient land use while promoting high quality communities; incorporating conveniently located parks, trails, and open space into designs; and encouraging commercial and industrial developers to utilize designs and materials that evoke a sense of quality and permanence.

Policy:

HVWAP 9.1 Require development to adhere to standards detailed in the Design Standards and Guidelines for Development in the Third and Fifth Supervisorial Districts.

Circulation

The circulation system is vital to the prosperity of a community. It provides for the movement of goods and people within and outside of the community and includes motorized and non-motorized travel modes such as bicycles, trains, aircraft, automobiles, and trucks. In Riverside County, the circulation system is also intended to accommodate a pattern of concentrated growth, providing both a regional and local linkage system between unique communities. This system is multi-modal, which means that it provides numerous alternatives to the automobile, such as transit, pedestrian systems, and bicycle facilities so that Riverside County citizens and visitors can access the region by a number of transportation options.



Light pollution occurs when too much artificial illumination enters the night sky and reflects off of airborne water droplets and dust particles causing a condition known as skyglow. It occurs when glare from improperly aimed and unshielded light fixtures cause uninvited illumination to cross property lines.



Innovative designs allow for increased density in key locations, such as near transit stations, with associated benefits. In these and other neighborhoods as well, walking, bicycling, and transit systems are attractive alternatives to driving for many residents.



- RCIP Vision

As stated in the Vision and the Land Use Element, the County of Riverside is moving away from a growth pattern of random sprawl toward a pattern of concentrated growth and increased job creation. The intent of the new growth patterns and the new mobility systems is to accommodate the transportation demands created by future growth and to provide mobility options that help reduce the need to utilize the automobile. The circulation system is designed to fit into the fabric of the land use patterns and accommodate the open space systems.

While the following section describes the circulation system as it relates to the Harvest Valley/Winchester planning area, it is important to note that the programs and policies are supplemental to, and coordinated with, the policies of the General Plan Circulation Element. In other words, the circulation system of the Harvest Valley/Winchester Area Plan is tied to the countywide system and its long range direction. As such, successful implementation of the policies in the Harvest Valley/Winchester Area Plan will help to create an interconnected and efficient circulation system for the entire County of Riverside.

Local Circulation Policies

Vehicular Circulation System

The vehicular circulation system that supports the Land Use Plan for the Harvest Valley/Winchester planning area is shown on Figure 8, Circulation. The vehicular circulation system in the Harvest Valley/Winchester planning area is anchored by State Routes 74 and 79, which run east-west and north-south respectively. ~~At the time of the adoption of this area plan, there were three proposed alignments for State Route 79, as described in detail in subsequent sections.~~ Interstate 215 runs north-south and is adjacent to a portion of the Harvest Valley/Winchester planning area, west of Romoland. A system of arterials and collector roads branch off from these major roadways and serve local uses. Chief among these are Newport Road and Domenigoni Parkway, which provide east-west access, and Briggs and Menifee Roads, which provide north-south access.

Policies:

- HVWAP 11.1 Design and develop the vehicular roadway system per Figure 8, Circulation, and in accordance with the System Design, Construction and Maintenance section of the General Plan Circulation Element.
- HVWAP 11.2 Maintain Riverside County's roadway Level of Service standards as described in the Level of Service section of the General Plan Circulation Element.

Rail Transit

The Burlington Northern/~~Southern California Regional Rail Authority (SCRRA) Santa Fe~~ rail line physically bisects the planning area and divides it into northern and southern halves. The railroad is currently being used for freight and cargo hauling, but has the potential to be used for passenger service. This route would connect the City of Hemet with the March Joint Air Reserve Base and the City of Riverside. Expanded regional access available from a new transit opportunity would reinforce the development of new homes, business, and recreational opportunities here.

Policies:

- HVWAP 12.1 Maintain and enhance existing railroad facilities in accordance with the Freight Rail section of the General Plan Circulation Element.
- HVWAP 12.2 Work with railroad companies to create a transit stop in the Winchester Community Center Overlay that serves both regional and local transit traffic and is integrated with the Transit Oasis Concept.

Trails and Bikeway System

The County of Riverside contains multi-purpose trails that traverse urban, rural, and natural areas. These multi-use trails accommodate hikers, bicyclists, equestrian users and others as an integral part of Riverside County's circulation system. These multi-use trails serve both as a means of connecting the unique communities and activity centers throughout the County of Riverside and as an effective alternate mode of transportation. In addition to transportation, the trail system also serves as a community amenity by providing recreation and leisure opportunities as well as separators or edges between communities.

As shown on Figure 9, Trails and Bikeway System, the Harvest Valley/Winchester planning area supports an extensive system of existing and proposed trails and bikeways. An example is the Salt Creek recreational trail, which runs east-west along Salt Creek, connecting Hemet to Sun City. A few proposed trails and bikeways serve residential, commercial, and mixed uses, increasing the accessibility to these uses by pedestrians, cyclists, and equestrian enthusiasts.

Policy:

- HVWAP 13.1 Maintain and improve the trails and bikeways system, as shown on Figure 9, and as it is discussed in the Non-Motorized Transportation section of the General Plan Circulation Element.

Scenic Highways

Scenic Highways provide the motorist with views of distinctive natural characteristics that are not typical of other areas in Riverside County. The intent of these policies is to conserve significant scenic resources along scenic highways for future generations and to manage development along scenic highways and corridors so that it will not detract from the area's natural characteristics.

As shown on Figure 10, Scenic Highways, there is one County Eligible and one State Eligible Scenic Highway in the planning area. State Route 74 from the Orange County border to the western edge of the San Bernardino National Forest has been designated as an Eligible State Scenic Highway. State Route 74 passes through Homeland, Romoland, and Green Acres. State Route 74 continues east out of the Harvest Valley/Winchester planning area to the Palms to Pines Highway, an official State Scenic Highway. Menifee Road is a County Eligible Scenic Highway that runs from State Route 74 south out of the planning area eventually connecting with Interstate 215. From these two



The purpose of the California Scenic Highways program, which was established in 1963, is to "Preserve and protect scenic highway corridors from change which would diminish the aesthetic value of lands adjacent to highways."

roadways, views of the Lakeview and Dawson Mountains and Double Butte are provided.

Policy:

HVWAP 14.1 Protect the scenic highways in the Harvest Valley/Winchester planning area from change that would diminish the aesthetic value of adjacent properties in accordance with the Scenic Corridors sections of the General Plan Land Use, Multipurpose Open Space, and Circulation Elements.

Transit Oasis



Investment in and expansion of the existing freeway and arterial street networks continue to be a critical part of our comprehensive transportation system development.



- RCIP Vision

The Transit Oasis is a concept to improve transportation options in Riverside County by providing an integrated system of local serving, rubber-tired transit that is linked with a regional transportation system, such as MetroLink or express buses. In the Transit Oasis concept, rubber-tired transit vehicles operate on a single prioritized or dedicated lane in a one-way, continuous loop. The Transit Oasis is designed to fit into community centers, which provide the types of densities and concentrated development patterns that can allow this concept to become a reality.

In the Harvest Valley/Winchester planning area, the Transit Oasis concept may be accommodated in the Community Center Overlays. The Transit Oasis would provide local serving transit to the residents and businesses in and adjacent to the community centers as well as convenient access to regional circulation systems. Due to their strategic locations, these Transit Oasis systems could potentially connect with regional transit systems that may be provided within the East-West CETAP Corridor.

Policy:

HVWAP 15.1 Support the development and implementation of a Transit Oasis system in the Community Center Overlays in accordance with the Public Transportation System section of the General Plan Circulation Element.



Please see the General Plan Circulation Element for more Transit Corridor policies.

State Route 79 Corridor

Currently, State Route 79 (Winchester Road) runs north-south through the center of the community of Winchester. The State Route 79 (SR 79) Project will re-align the existing State Route 79 between Lamb Canyon Road on the north and Newport Road on the south causing the highway to bypass the Winchester Policy Area. The SR 79 Project will provide a greater traffic capacity to meet increasing traffic demands within Riverside County. While the precise alignment of this relocation has not been set, all current alignments show the roadway veering east of Winchester. The existing State Route 79 will remain as a secondary arterial highway. This re-alignment is a separate effort from the Community Environmental Transportation Acceptability Process (CETAP) portion of the RCIP.

The implementation of a transit station, which would serve the Transit Oasis and regional rail transit concepts, would reinforce the unique community core and help bring visitors to Winchester. In that context, existing State Route 79 remains an important future transit link. The Harvest Valley/Winchester Area Plan provides an opportunity to complete a transit connection between Winchester and Temecula along State Route 79 through the

acquisition of right-of-way that would accommodate future transit use. Transit improvements could include additional road lanes, a dedicated transit lane, or other transportation improvements.

Policy:

HVWAP 16.1 Require the dedication of right-of-way along existing State Route 79 (Winchester Road) in accordance with Ordinance No. 461, which will accommodate future transportation/transit improvements.

Community Environmental Transportation Acceptability Process (CETAP) Corridors

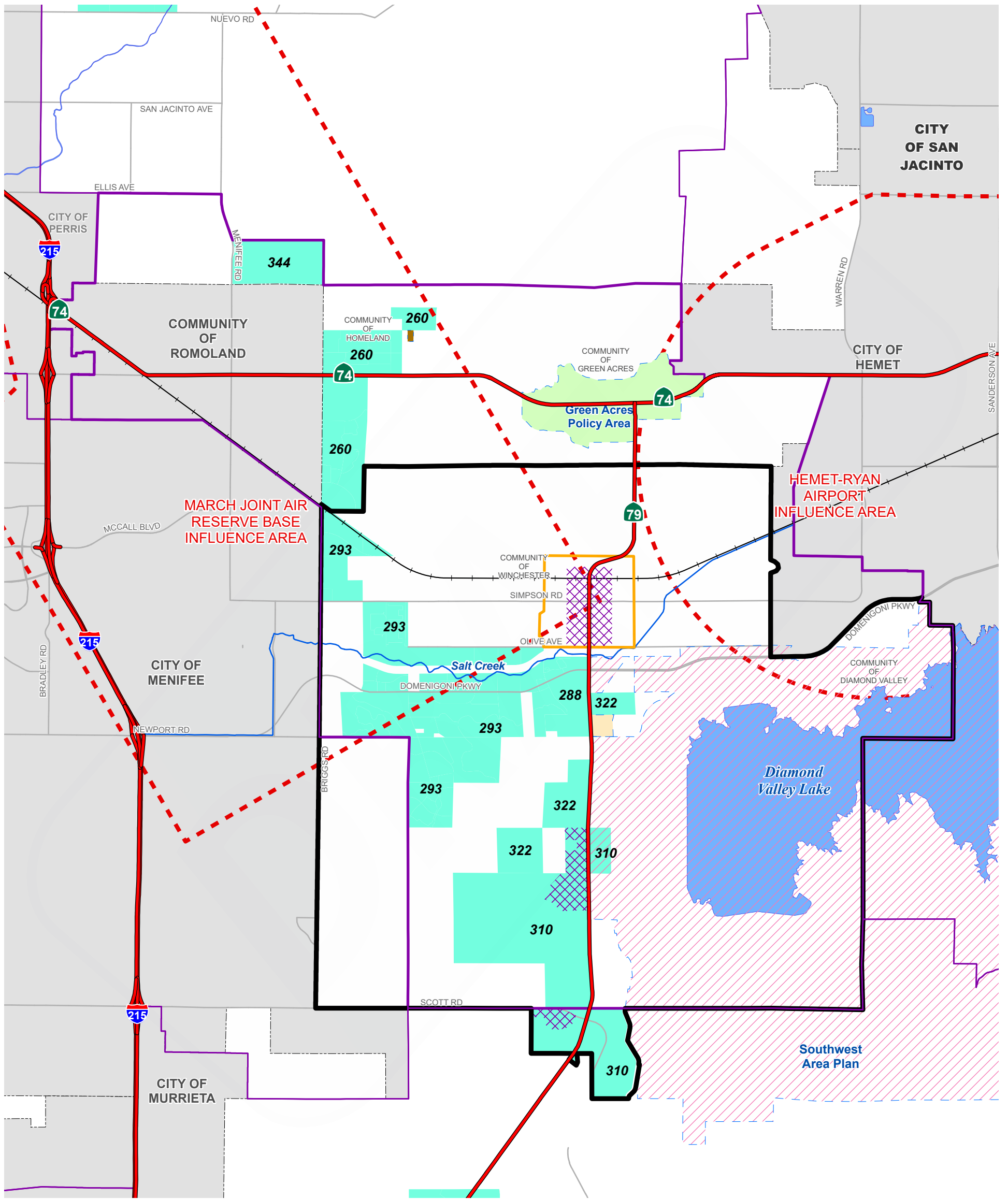
The population and employment of Riverside County are expected to significantly increase over the next twenty plus years. The Community Environmental Transportation Acceptability Process (CETAP) was established to evaluate the need and the opportunities for the development of new or expanded transportation corridors in western Riverside County to accommodate increased growth and preserve quality of life. These transportation corridors include a range of transportation options such as highways or transit, and are developed with careful consideration for potential impacts to habitat requirements, land use plans, and public infrastructure. CETAP has identified four priority corridors for the movement of people and goods: Winchester to Temecula Corridor, East-West CETAP Corridor, Moreno Valley to San Bernardino Corridor, and Riverside County - Orange County Corridor.

In the Harvest Valley/Winchester planning area, the East-West CETAP Corridor passes east to west and connects Interstate 215 State Route 79. These corridors could accommodate a number of transportation options, including vehicular traffic and high occupancy vehicle lanes.

Policies:

HVWAP 17.1 Accommodate the East-West CETAP Corridor in accordance with the Community Environmental Transportation Acceptability Process section of the General Plan Circulation Element.

HVWAP 17.2 Accommodate the realignment of State Route 79 within the planning area.

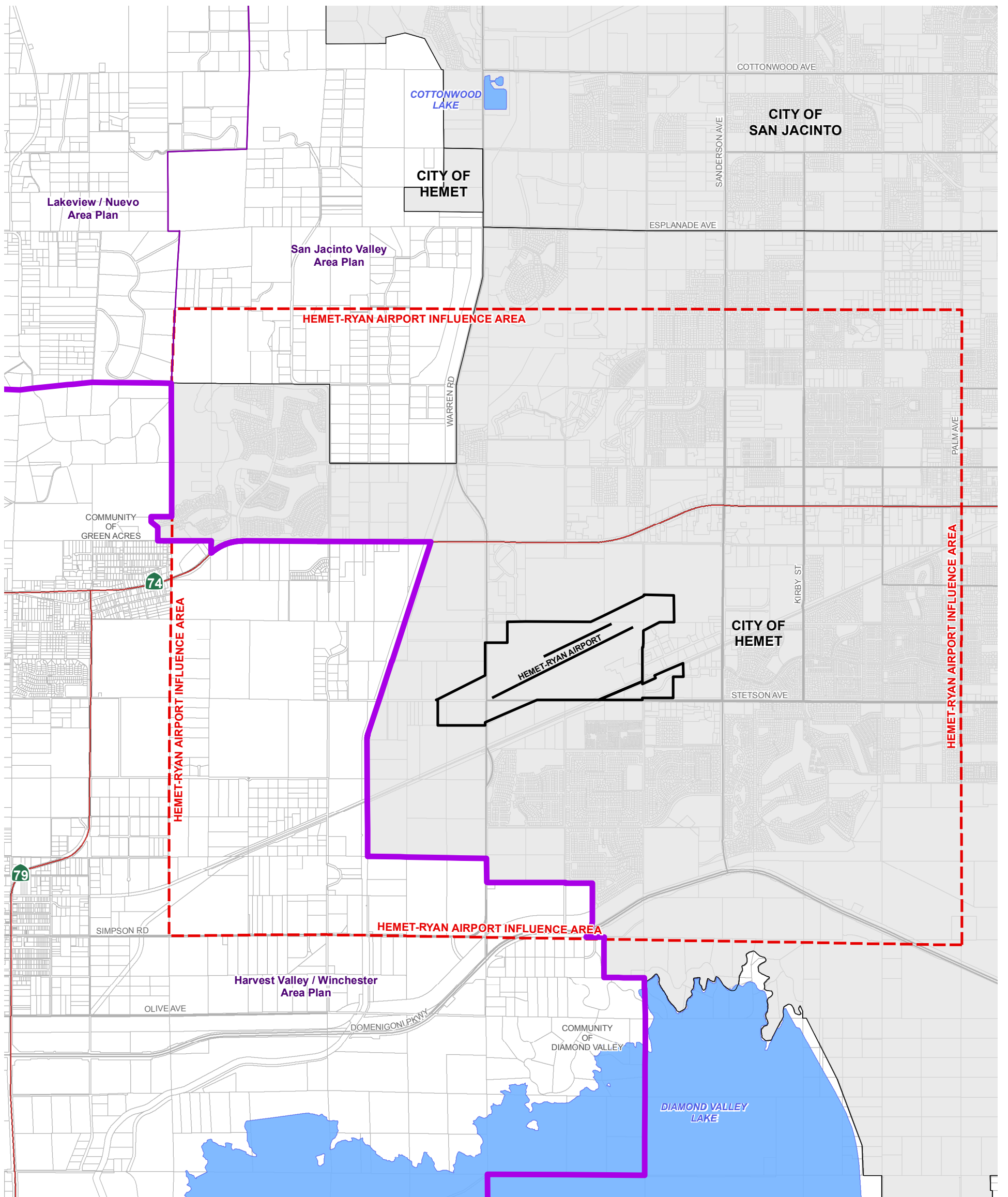


Data Source: Riverside County

- | | |
|---------------------------------|--------------------------------------|
| Highways | Green Acres Policy Area |
| Downtown Winchester | Winchester Rd/Newport Rd Policy Area |
| Area Plan Boundary | Railroads |
| Winchester Policy Area | Waterbodies |
| Community Center Overlay | Airport Influence Areas |
| Closed Landfill Policy Area | City Boundary |
| Diamond Valley Lake Policy Area | |

Figure 4

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Data Source: Riverside County ALUC (2010)

Airport falls within city limits, please contact the City of Hemet and/or Riverside County Airport Land Use Commission for more info.

- Airport Influence Area
- Airport Runways
- Area Plan Boundary
- City Boundary
- Waterbodies
- Highways

Figure 5

December 8, 2015

0 0.5 1 Miles

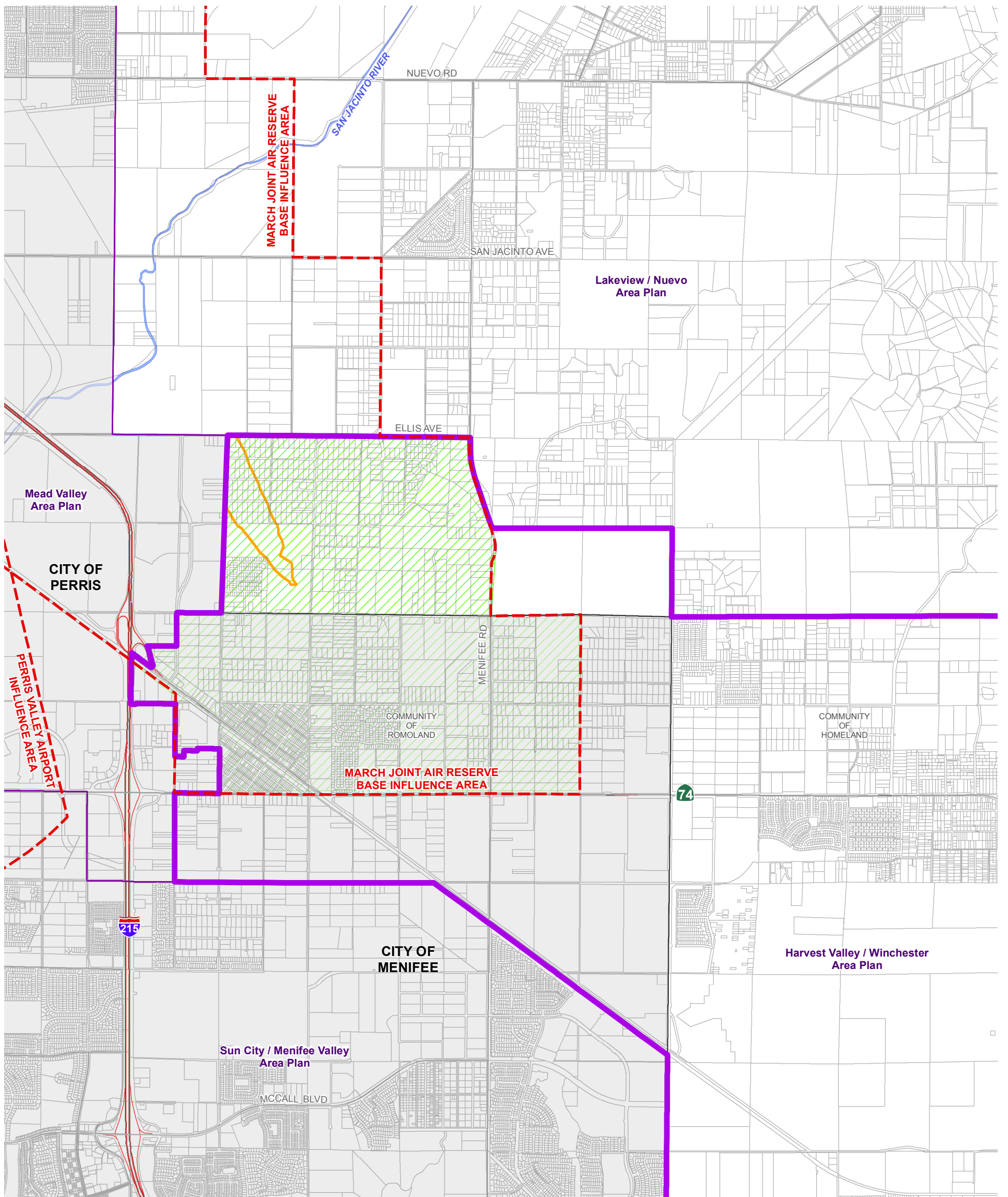
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HARVEST VALLEY / WINCHESTER AREA PLAN AIRPORT INFLUENCE AREA

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Data Source: Riverside County ALUC (2010)

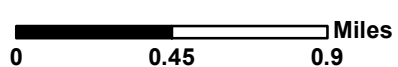
SAFETY ZONES

- Area 3
- 60 dB CNEL NOISE CONTOUR
- Airport Influence Area
- Highways
- Area Plan Boundary
- City Boundary
- Waterbodies

Figure 6



December 8, 2015



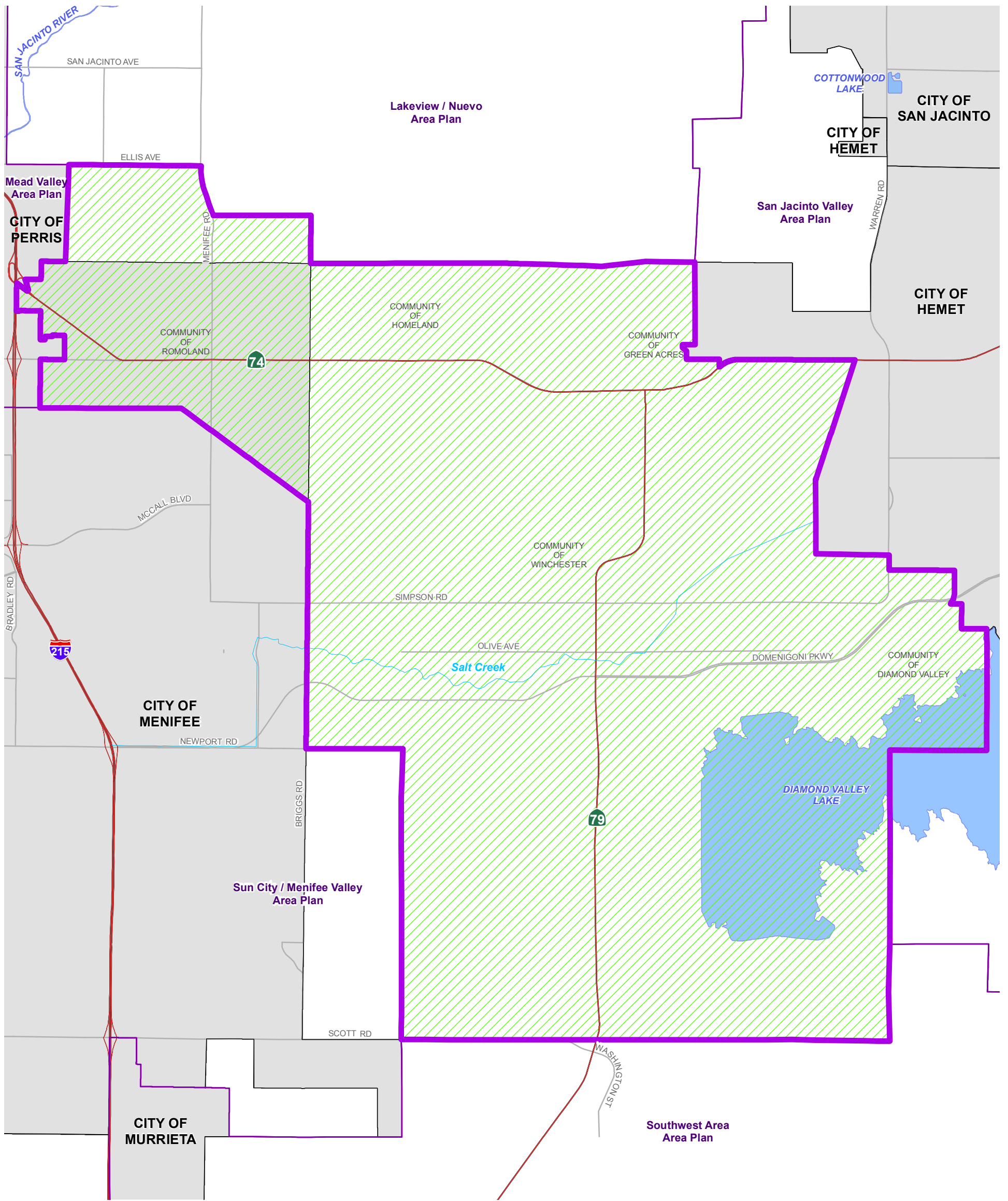
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**HARVEST VALLEY/
WINCHESTER AREA PLAN
MJARB AIRPORT
INFLUENCE AREA**

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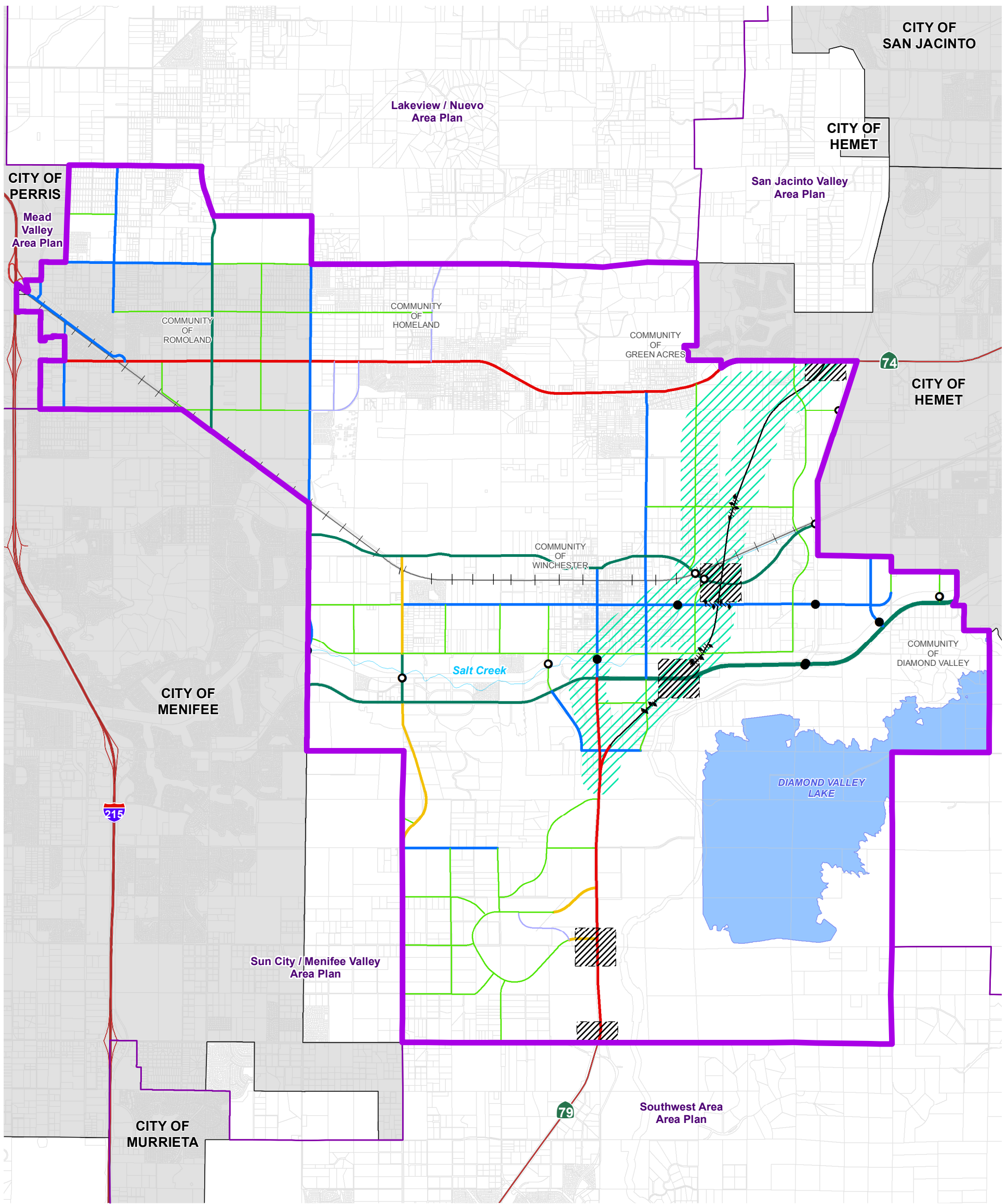
Data Source: Riverside County (2010)

-  Zone B
-  Highways
-  Area Plan Boundary
-  City Boundary
-  Waterbodies

Figure 7

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Data Source: Riverside County Transportation

- | | | | |
|-------------------------------|-------------------------------|-----------------|--------------------|
| Freeway (Variable ROW) | Proposed Interchange | Existing Bridge | Highways |
| Expressway (128' to 220' ROW) | Proposed Overpass/Underpass | Proposed Bridge | Area Plan Boundary |
| Urban Arterial (152' ROW) | Railroads Amended | City Boundary | Waterbodies |
| Arterial (128' ROW) | SR-79 Re-alignment Study Area | | |
| Major (118' ROW) | | | |
| Secondary (100' ROW) | | | |
| Collector (74' ROW) | | | |

Figure 8

December 8, 2015

0 0.75 1.5 Miles

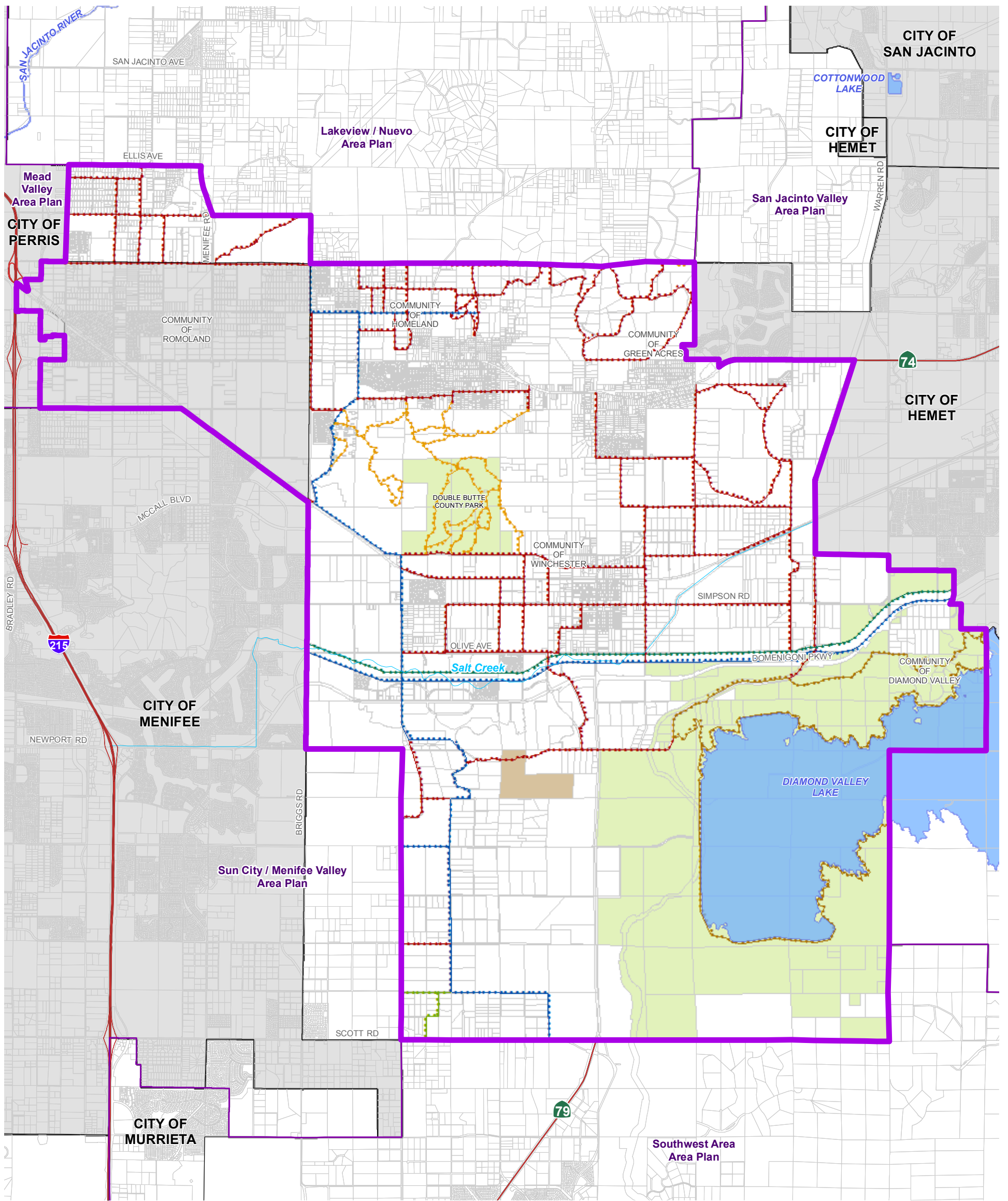
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**HARVEST VALLEY/
WINCHESTER AREA PLAN
CIRCULATION**

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Data Source: Riverside County Parks

- Regional Trail: Urban/Suburban
- Community Trail
- Combination Trail (Regional Trail / Class I Bike Path)
- Class I Bike Path
- Regional Trail: Open Space
- Non-County Trail (Public and Quasi-Public Lands)

- Miscellaneous Public Lands
- Bureau of Land Management (BLM) Lands

- Highways
- Area Plan Boundary
- City Boundary
- Waterbodies

Note: Trails shown in non-county jurisdictions for informational/coordination purposes only.

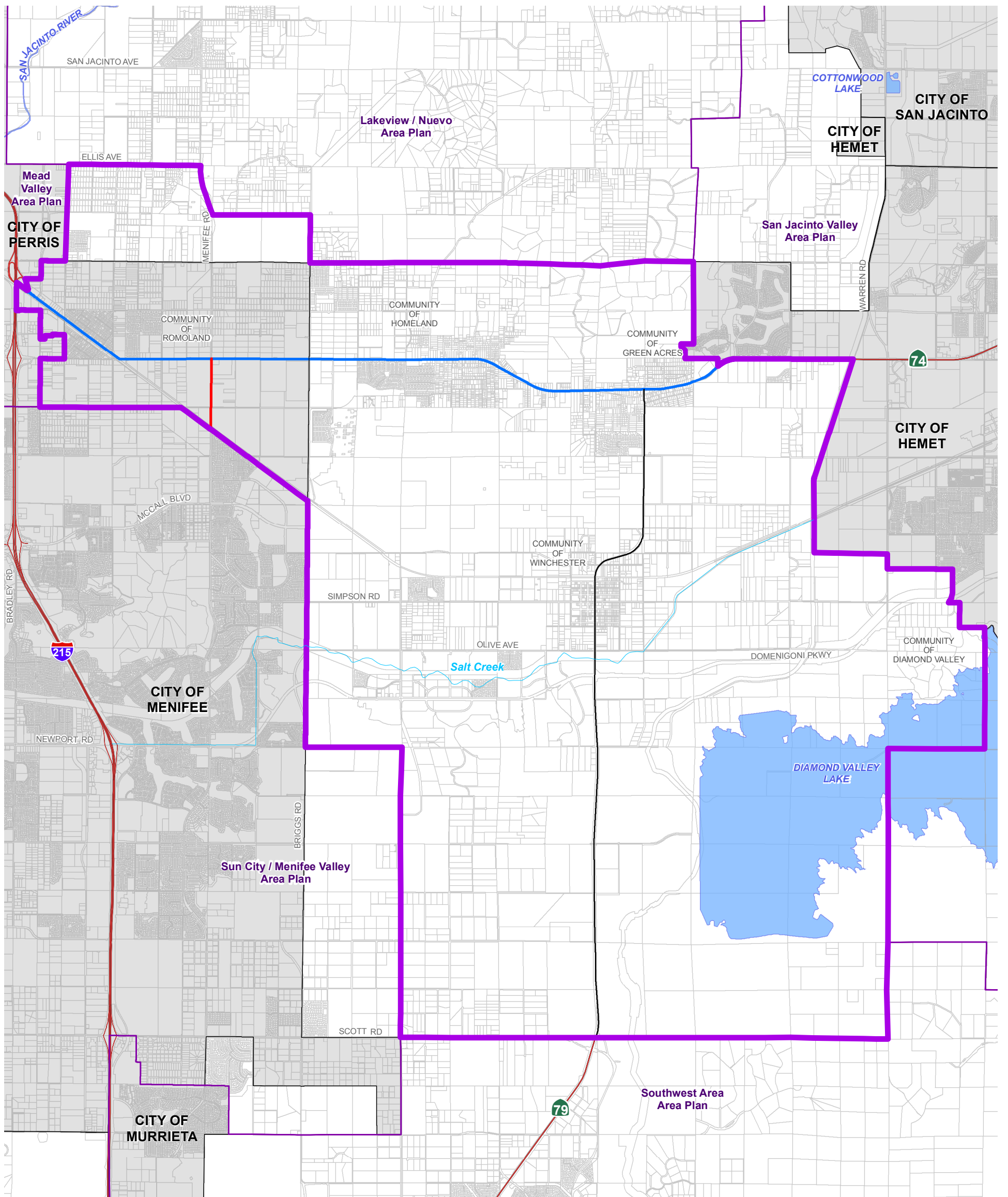
Data Source: Primarily Riverside County Regional Park and Open Space District, with assistance from Riverside County TLMA/Transportation and Planning Departments, Riverside County Economic Development Agency, and other local, state, and federal recreational services agencies.

Note: Trails and bikeway maps are a graphic representation identifying the general location and classification of existing and proposed trails and bikeways in the unincorporated area of the County. All questions regarding precise alignment or improvement standards should be referred to the Riverside County Regional Park and Open Space District.

Note: Except for major regional facilities, trails and bikeways systems located within cities are generally not shown. Where trails and bikeways exist or are planned in the unincorporated area in such a manner that there are opportunities for connections with existing or planned trails and bikeways within adjacent cities, an arrow symbol is used to show the approximate location of the intended connection opportunity. The reader should contact the appropriate city for all information about that city's existing or planned trails and bikeways systems.

Figure 9

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Data Source: Riverside County (2013) / Cal Trans (2013)








-  County Eligible
-  State Eligible
-  Not Designated
-  Highways
-  Area Plan Boundary
-  City Boundary
-  Waterbodies

Figure 10

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Multipurpose Open Space

The Harvest Valley/Winchester open space system contains a variety of open spaces that serve a multitude of functions, hence the label of multi-purpose. The point is that open space is really a part of the public infrastructure and should have the capability of serving a variety of needs and diversity of users. Some of the Harvest Valley/Winchester planning area natural open space resources are quite special. This means that each existing resource requires thoughtful preservation and, in some cases (as with Double Butte), restoration. This Multipurpose Open Space section is a critical component of the character of the County of Riverside and of the Harvest Valley/Winchester planning area. Preserving the scenic background and natural resources of this extensive valley system gives meaning to the remarkable environmental setting portion of the overall Riverside County Vision. Not only that: these open spaces also help define the edges of and separation between communities, which is another important aspect of the Vision.

In this planning area, the natural characteristics offer design opportunities for quality development and, in some cases (as with the Diamond Valley Lake) the opportunities are exceptional. Habitat preservation opportunities are likewise important here. Achieving a desirable end state of valued local open space to benefit residents and visitors will require sensitive design attention in laying out development proposals.

The impressive open space inventory here includes features such as Double Butte, the Lakeview and Dawson mountain ranges, Salt Creek and Warm Springs Creek. Each of these natural features offer open spaces, habitat, and recreation opportunities, enhanced by the scenic vistas associated with the varied topography that defines this area. These features encompass a variety of habitats, including riparian corridors, vernal pools, oak woodlands, and chaparral habitats. There are also a number of parks and recreation areas where many of these resources can be enjoyed.

The Harvest Valley/Winchester planning area has experienced relatively little growth over the past 20 years, but that is expected to change dramatically. That is why these policies are needed to achieve a balance between growth, natural resource conservation, and preservation of community character.

Local Open Space Policies

Watersheds, Floodplains, and Watercourses

The northern portion of the Harvest Valley/Winchester planning area is part of the Santa Ana River Watershed, and the southern portion is part of the San Diego Basin Watershed. Warm Springs Creek feeds the Santa Margarita River, while Salt Creek is a tributary of the San Jacinto River. These two watersheds, and their included watercourses, provide natural habitat, open space linkages, and recreation potential. The following policies preserves and protects these important areas.

“

The open space system and the methods for its acquisition, maintenance, and operation are calibrated to its many functions: visual relief, natural resources protection, habitat preservation, passive and active recreation, protection from natural hazards, and various combinations of these purposes. This is what is meant by a multipurpose open space system.

”

- RCIP Vision



A watershed is the entire region drained by a waterway that drains into a lake or reservoir. It is the total area above a given point on a stream that contributes water to the flow at that point, and the topographic dividing line from which surface streams flow in two different directions. Clearly, watersheds are not just water. A single watershed may include combinations of forests, glaciers, deserts, and/or grasslands.

Policy:

HVWAP 18.1 Protect the Santa Ana and San Diego Basin Watersheds and habitats, and provide opportunities for flood protection through adherence to Open Space, Habitat, and Natural Resources section of the General Plan Land Use Element and the Floodplain and Riparian Area Management, Multiple Species Habitat Conservation Plans, and Environmentally Sensitive Lands sections of the General Plan Multipurpose Open Space Element.



For further information on the MSHCP please see the Multipurpose Open Space Element of the General Plan.



The Wildlife Agencies include The United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW)



The following sensitive, threatened and endangered species may be found within this Area Plan.

- spreading navarretia
- Munz's onion
- ferruginous hawk
- burrowing owl
- bobcat
- Stephen's kangaroo rat
- granite spiny lizard
- San Diego black-tailed jackrabbit
- California gnatcatcher
- Los Angeles pocket mouse
- Riverside fairy shrimp
- Parry's spineflower

Proposed Multiple Species Habitat Conservation Plan

Regional resource planning to protect individual species such as the Stephens Kangaroo Rat has occurred in Riverside County for many years. Privately owned reserves and publicly owned land have served as habitat for many different species. This method of land and wildlife preservation proved to be piecemeal and disjointed, resulting in islands of reserve land without corridors for species migration and access. To address these issues of wildlife health and habitat sustainability, the WRC MSHCP was developed by the County of Riverside and adopted by the County of Riverside and other plan participants in 2003. Permits were issued by the Wildlife Agencies in 2004. The WRC MSHCP comprises a reserve system that encompasses core habitats, habitat linkages, and wildlife corridors outside of existing reserve areas and existing private and public reserve lands into a single comprehensive plan that can accommodate the needs of species and habitat in the present and future.

MSHCP Program Description

The Endangered Species Act prohibits the “taking” of endangered species. Taking is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect” listed species. The Wildlife Agencies have authority to regulate this “take” of threatened and endangered species. The intent of the WRC MSHCP is for the Wildlife Agencies to grant a take authorization for otherwise lawful actions that may incidentally take or harm species outside of reserve areas, in exchange for supporting assembly of a coordinated reserve system. Therefore, the WRC MSHCP allows the County of Riverside to take plant and animal species within identified areas through the local land use planning process. In addition to the conservation and management duties assigned to the County of Riverside, a property-owner-initiated habitat evaluation and acquisition negotiation process has also been developed. This process is intended to apply to property that may be needed for inclusion in the WRC MSHCP Reserve or subjected to other WRC MSHCP criteria.

Key Biological Issues

The habitat requirements of the sensitive and listed species, combined with sound habitat management practices, have shaped the following policies. These policies provide general conservation direction.

Policies:

- HVWAP 19.1 Conserve existing intact areas of upland scrub to provide good foraging habitat for raptors and open grassland areas for the burrowing owl.
- HVWAP 19.2 Conserve Domino-Traver-Willow soils within the vernal pool habitat areas. Maintain the existing hydrologic regime in order to preserve the habitat for the Riverside fairy shrimp.
- HVWAP 19.3 Conserve existing populations of the California gnatcatcher and Bell’s sage sparrow in the Harvest Valley/Winchester planning area, including locations in the North Domenigoni Hills. Conservation should focus on coastal sage scrub and grassland patches in addition to riparian habitats associated with upper Warm Springs Creek.
- HVWAP 19.4 Maintain a habitat connection between the North Domenigoni Hills and Warm Springs Creek to facilitate the genetic and physical migration of species.
- HVWAP 19.5 Maintain habitat connectivity between coastal sage scrub, grasslands, and riparian vegetation in order to provide a contiguous linkage from Diamond Valley Lake to the French Valley area.
- HVWAP 19.6 Conserve Auld soils in order to preserve local populations of Munz’s onion, in coordination with future development in the Specific Plan Required area.
- HVWAP 19.7 Conserve and maintain vernal pool complexes and hydrology that supports Riverside fairy shrimp and other rare, threatened and endangered species known to exist within the Harvest Valley/Winchester planning area to promote genetic diversity through wildlife movement.
- HVWAP 19.8 Improve wildlife crossing routes in conjunction with the improvement and widening plans for State Route 79.
- HVWAP 19.9 Maintain intact habitat surrounding the closed Double Butte landfill site.
- HVWAP 19.10 Protect sensitive biological resources in the Harvest Valley/Winchester Area Plan through adherence to policies found in the Multiple Species Habitat Conservation Plans, Environmentally Sensitive Lands, Wetlands, and Floodplain and Riparian Area Management sections of the General Plan Multipurpose Open Space Element.

Hazards

Hazards are natural and man-made conditions that must be respected if life and property are to be protected as growth and development occur. As the ravages of wildland fires, floods, dam failures, earthquakes and other disasters become clearer through the news, public awareness and sound public policy combine to require serious attention to these conditions.

Portions of the Harvest Valley/Winchester planning area may be subjected to hazards such as flooding, dam inundation, seismic occurrences, and wildland fire. These hazards are depicted on the hazards maps, Figure 11 to Figure 15. These hazards are located throughout the Harvest Valley/Winchester planning area at varying degrees of risk and danger. Some hazards must be avoided entirely while the potential impacts of others can be mitigated by special building techniques. The following policies provide additional direction for relevant issues specific to the Harvest Valley/Winchester planning area.

Local Hazard Policies

Flooding and Dam Inundation



Since 1965, eleven Gubernatorial and Presidential flood disaster declarations have been declared for Riverside County. State law generally makes local government agencies responsible for flood control in California.

The failure of the Diamond Valley Lake dams could pose a significant flood hazard to residents of this planning area if this 800,000-acre-foot facility were to fail. According to the Federal Emergency Management Agency (FEMA), failure of this dam could result in flooding as far away as the Antelope/French Valleys.

In addition to hazards posed by dam failures, hazards to life and property could result from a significant flood event along Salt Creek and the San Jacinto River. Winchester and Romoland are within the 100-year floodplains, as shown on Figure 11, Flood Hazard Zone. The floodplains follow existing creeks and most significantly affect lowland areas. The floodplains may also contain rare and significant ecosystems such as riparian habitats or vernal pools that are also subject to serious loss.

Many techniques may be used to address the danger of flooding, such as avoiding development in floodplains, altering the water channels, applying specialized building techniques, elevating structures that are in floodplains, and enforcing setbacks. The following policies address the hazards associated with flooding and dam inundation.

Policies:

- HVWAP 20.1 Protect life and property from the hazards of flood events through adherence to the policies identified in the Flood and Inundation Hazards Abatement section of the General Plan Safety Element.
- HVWAP 20.2 Adhere to the flood proofing and flood protection requirements of Riverside County Ordinance No. 458.
- HVWAP 20.3 Require that proposed development projects that are subject to flood hazards, surface ponding, high erosion potential, or sheet flow be submitted to the Riverside County Flood Control and Water Conservation District for review.

Wildland Fire Hazard

Due to its rural and mountainous nature, portions of the Harvest Valley/Winchester planning area are subject to a high risk of fire hazards. These risks are greater in rural areas and along urban edges. The fire hazards within this planning area are concentrated in the areas designated as Open Space-Conservation Habitat and Open Space-Recreation, such as in the Dawson Mountains; Rural Mountainous designations, such as in the Lakeview Mountains; and at Double Butte, which is designated Public Facilities. The Open Space Foundation Component designations limit the density and type of structures that could be exposed to wildland fires. Methods to address this hazard include such techniques as creating setbacks that buffer development from hazard areas, maintaining brush clearance to reduce potential fuel, establishing low fuel landscaping, utilizing fire resistant building techniques, and avoidance of building in high-risk areas. In still other cases, safety-oriented organizations such as the Fire Safe Council can provide assistance in educating the public and promoting practices that contribute to improved public safety. Refer to Figure 12, Fire Hazard Severity Zone, to see the locations of the wildfire zones within the Harvest Valley/Winchester planning area.

Policy:

HVWAP 21.1 All proposed development located within High or Very High Fire Hazard Severity Zones shall protect life and property from wildfire hazards through adherence to policies identified in the Fire Hazards (Building Code and Performance Standards), Wind-Related Hazards and General and Long-Range Fire Safety Planning sections of the General Plan Safety Element.

Seismic

There are no seismic faults located within the Harvest Valley/Winchester planning area. There are, however, faults outside the area, such as the San Jacinto and San Andreas faults, that pose significant seismic threat to the life and property of Harvest Valley/Winchester residents. Threats from seismic events include groundshaking, fault rupture, liquefaction, and landslides. The area directly south of Double Butte, including the community of Winchester, has a high susceptibility to liquefaction. There are areas of very susceptible shallow groundwater sediments along Salt Creek. The use of specialized building techniques, enforcement of setbacks, and other measures as specified in site-specific liquefaction hazard reports will help to mitigate the potentially dangerous circumstances. Refer to Figure 14, Seismic Hazards, for the location of liquefaction areas within the Harvest Valley/Winchester planning area.

Policy:

HVWAP 22.1 Protect life and property from seismic-related incidents through adherence to the policies in the Seismic Hazards and Geologic Hazards section of the General Plan Safety Element.



Fire Fact:

Santa Ana winds create a special hazard. Named by the early settlers at Santa Ana, these hot, dry winds enhance the fire danger throughout Southern California.



Liquefaction occurs primarily in saturated, loose, fine to medium-grained soils in areas where the groundwater table is within about 50 feet of the surface. Shaking causes the soils to lose strength and behave as liquid. Excess water pressure is vented upward through fissures and soil cracks and a water-soil slurry bubbles onto the ground surface. The resulting features are known as “sand boils, sand blows” or “sand volcanoes.” Liquefaction-related effects include loss of bearing strength, ground oscillations, lateral spreading, and flow failures or slumping.

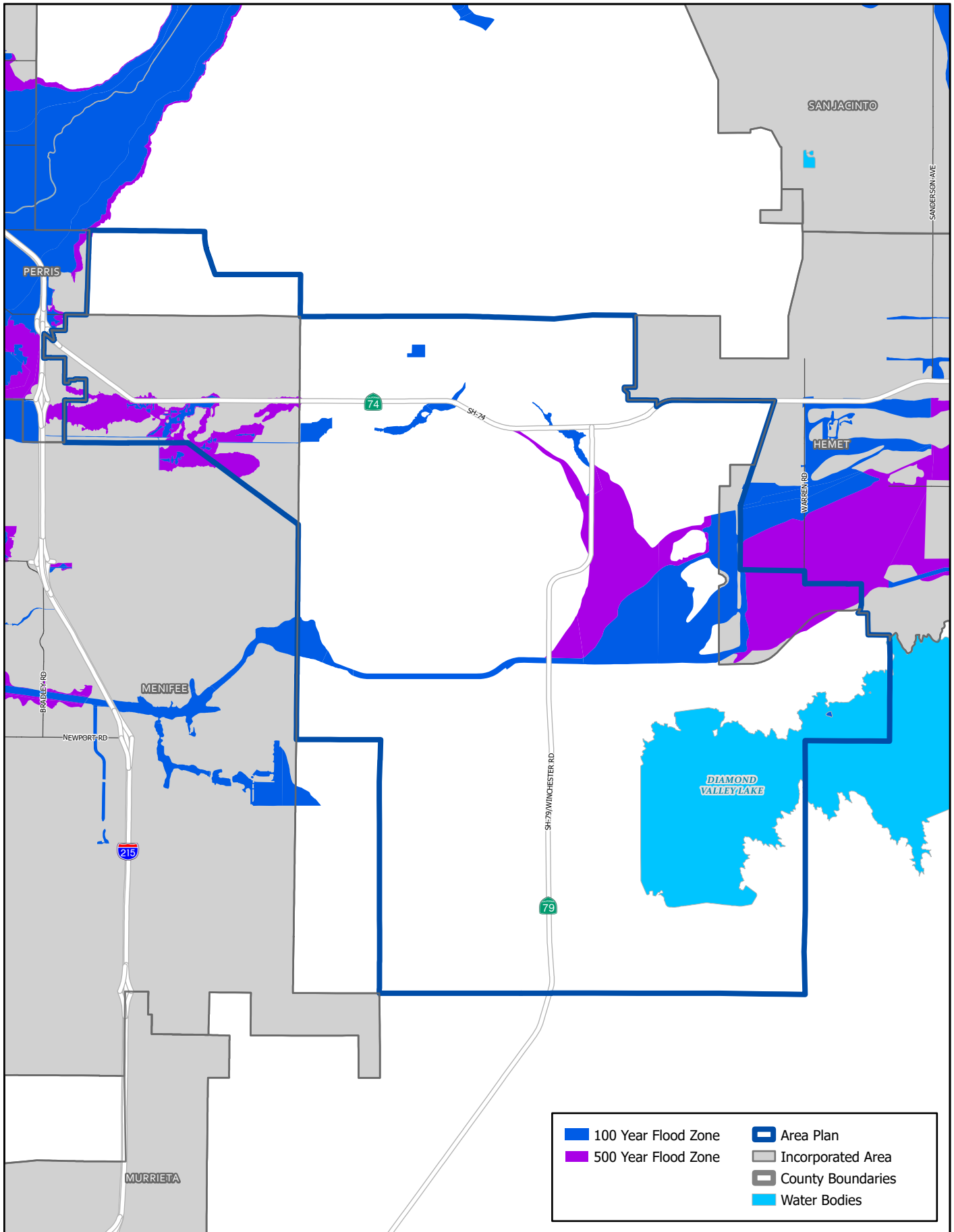
Slope

The Harvest Valley/Winchester planning area is home to several mountain ranges and hillsides that have extremely steep slopes. While they contribute significantly to the character of this area, the mountains and hills are quite susceptible to damage from excessive grading. Many of these areas require special development standards and care to prevent erosion and landslides, preserve significant views, and minimize grading and scarring. The following policies are intended to ensure the health, safety, and welfare while protecting these important character-enhancing resources. Figure 15, Steep Slope, depicts the areas of slope for the Harvest Valley/Winchester area. Also refer to Figure 16, Slope Instability, for areas of possible landslide.

Policies:

- HVWAP 23.1 Identify ridgelines that provide a significant visual resource for the Harvest Valley/Winchester planning area through adherence to policies within the Hillside Development and Slope section of the General Plan Land Use Element and the Scenic Resources section of the General Plan Multipurpose Open Space Element.

- HVWAP 23.2 Protect life and property through adherence to the Slope and Soil Instability Hazards section of the General Plan Safety Element and policies within the Rural Mountainous and Open Space Land Use Designations of the Land Use Element.



3/2/2022

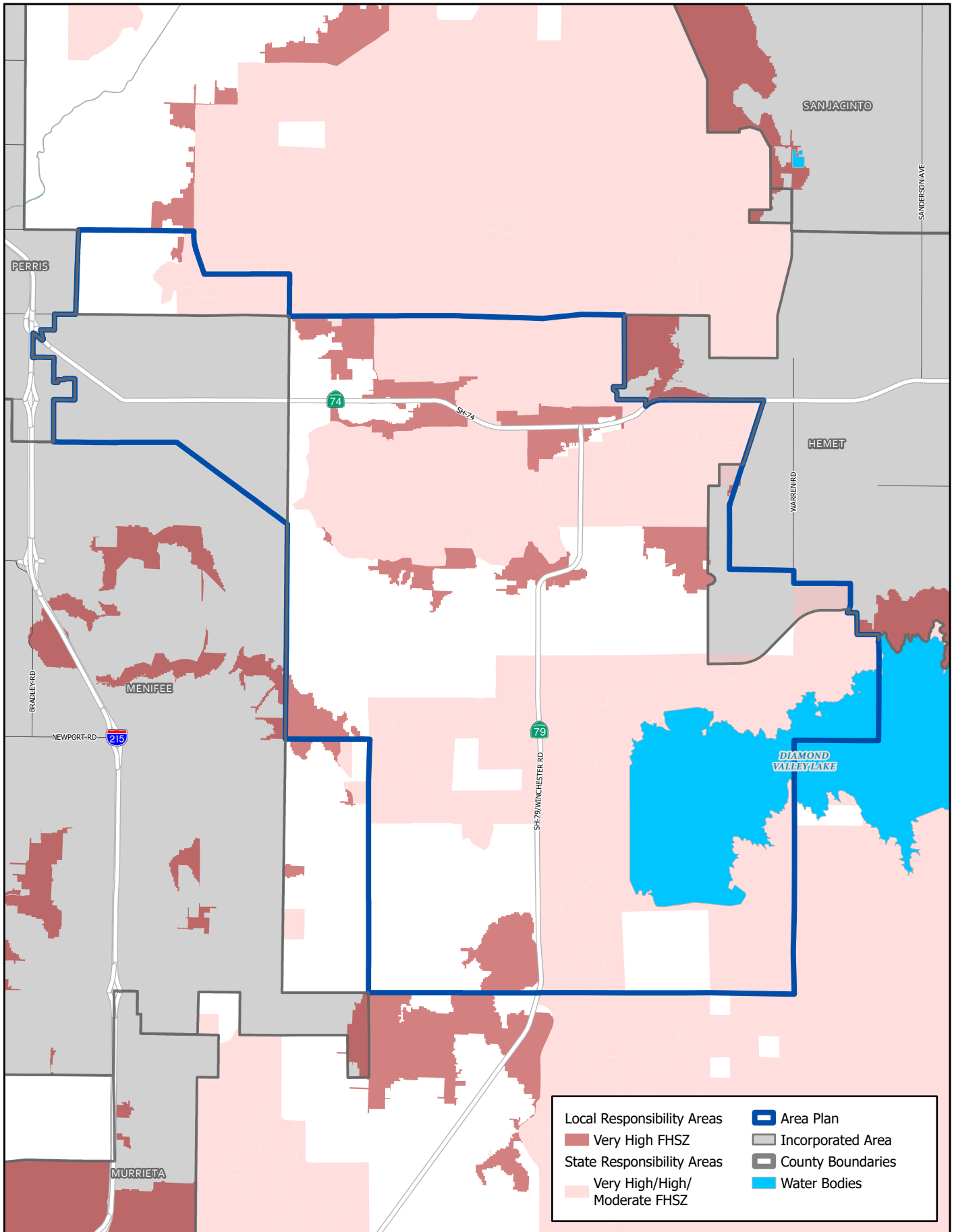


Harvest Valley/Winchester Area Plan Special Flood Hazard Areas Map

Source: ESRI, Riverside County, FEMA

Figure 11

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3/3/2022

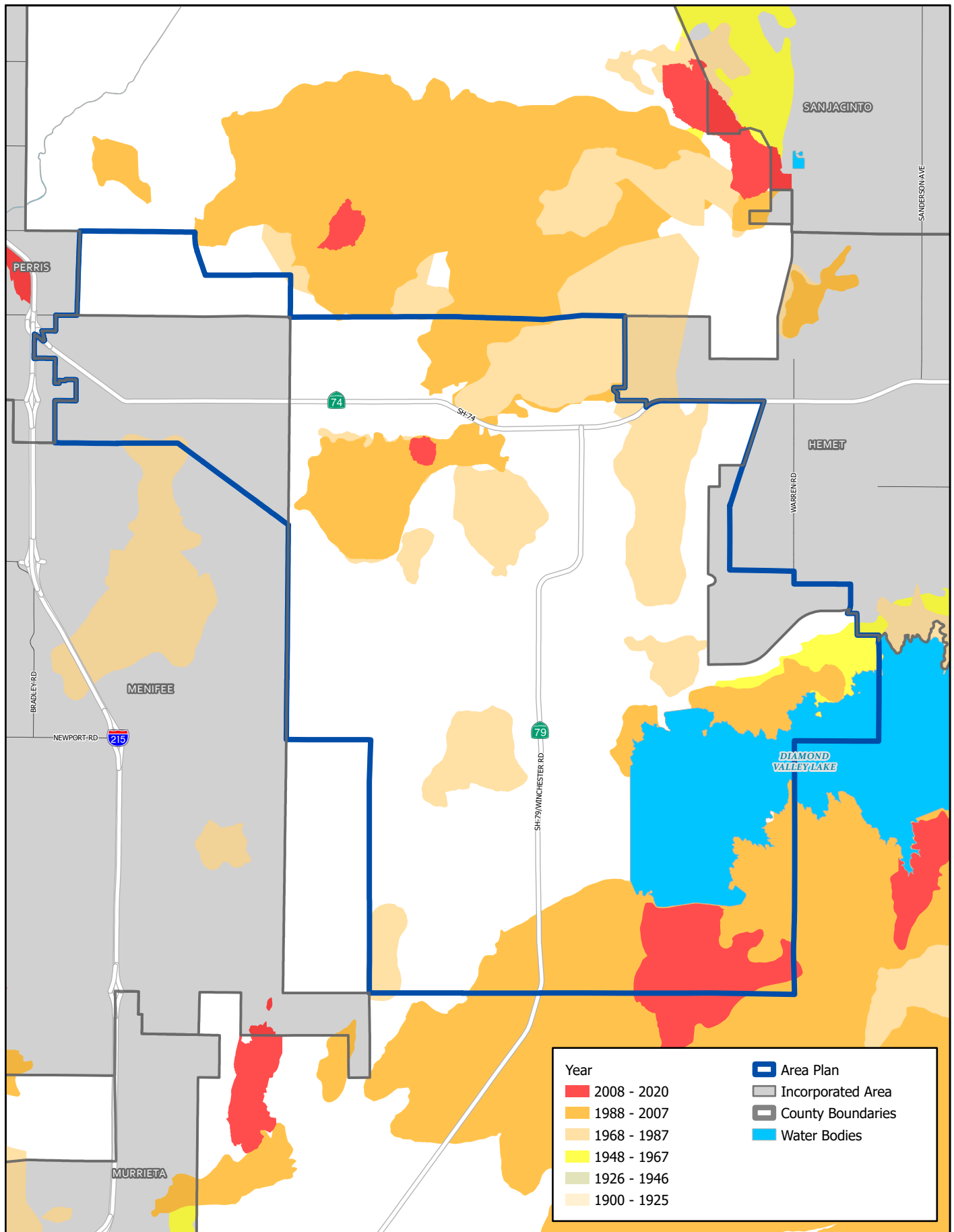


Source: ESRI, Riverside County, FRAP

Harvest Valley/Winchester Area Plan Wildfire Susceptibility Map

Figure 12

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3/3/2022

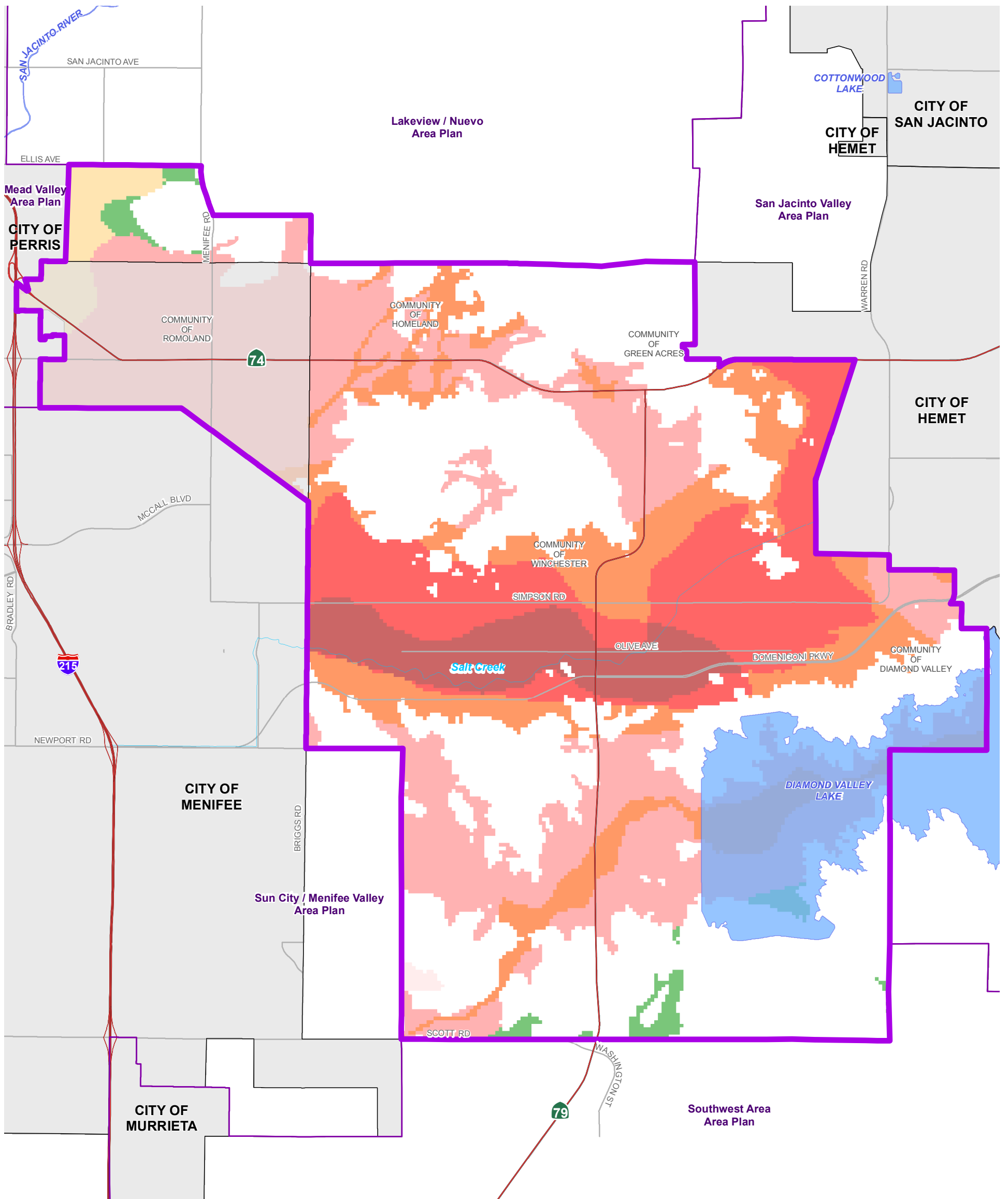


Source: ESRI, Riverside County, FRAP

Harvest Valley/Winchester Area Plan Historic Wildfire Areas

Figure 13

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Data Source: Riverside County Geology (2013) / California Geological Survey (2008)

Liquefaction Susceptibility

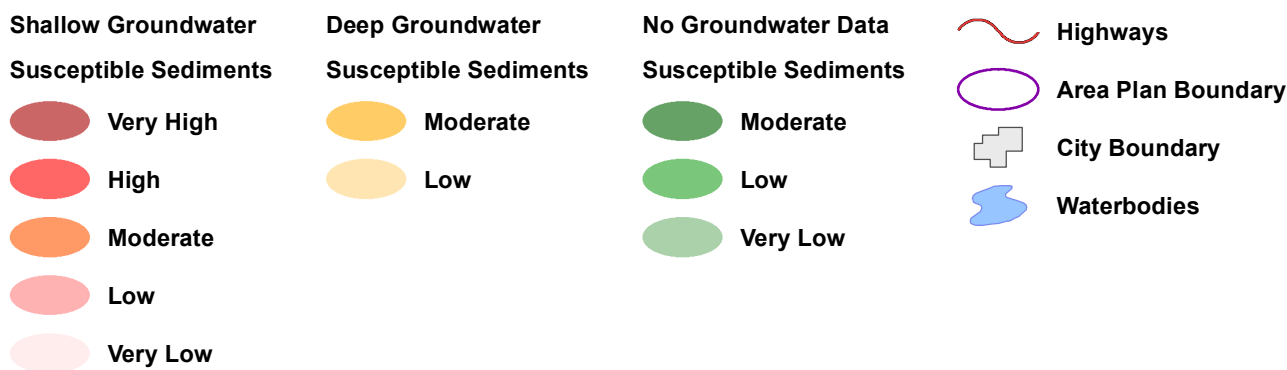
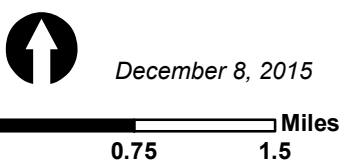


Figure 14

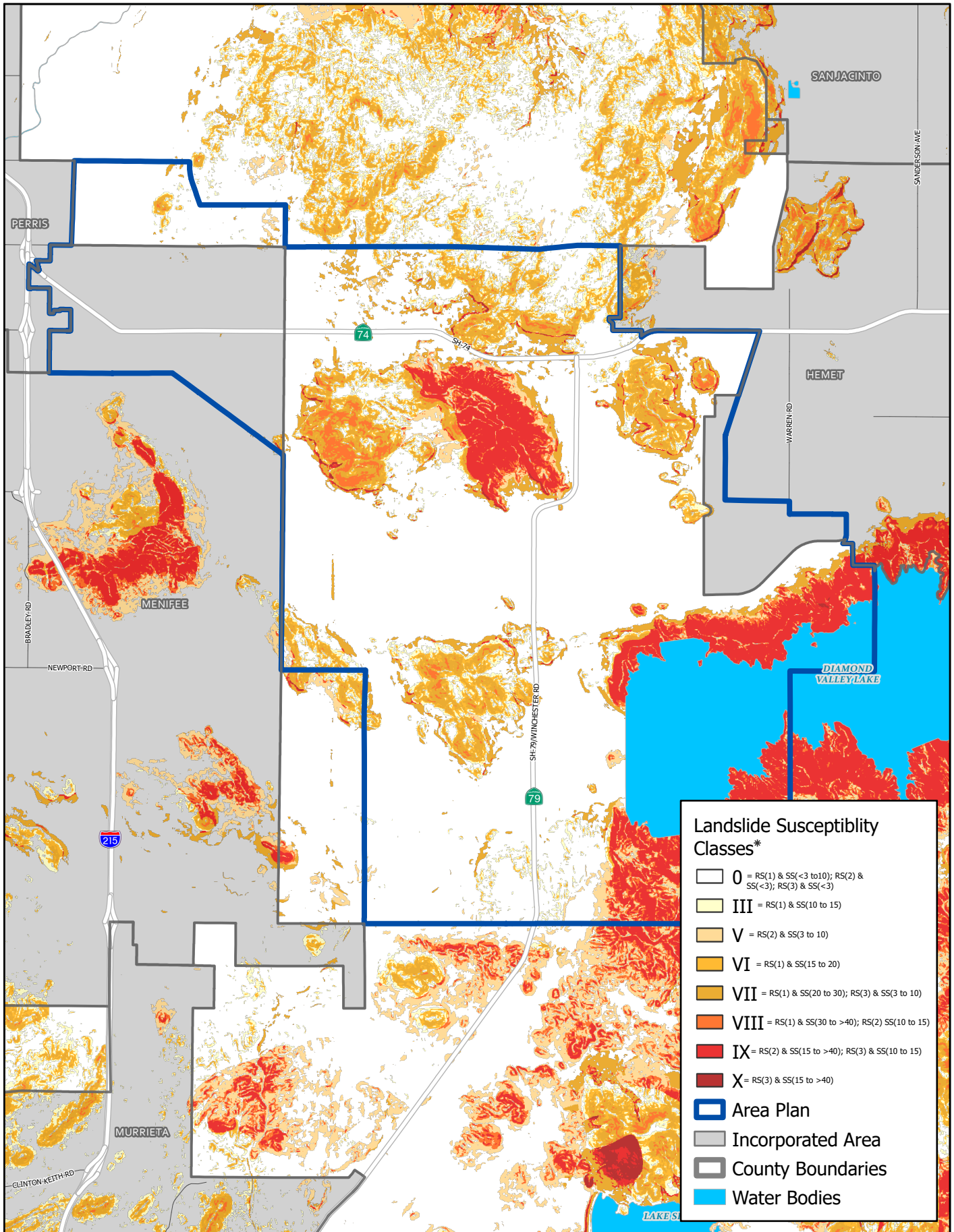


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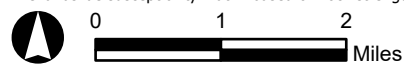
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*The landslide susceptibility matrix based on rock strength (RS) and slope steepness (SS) in degrees.

3/4/2022

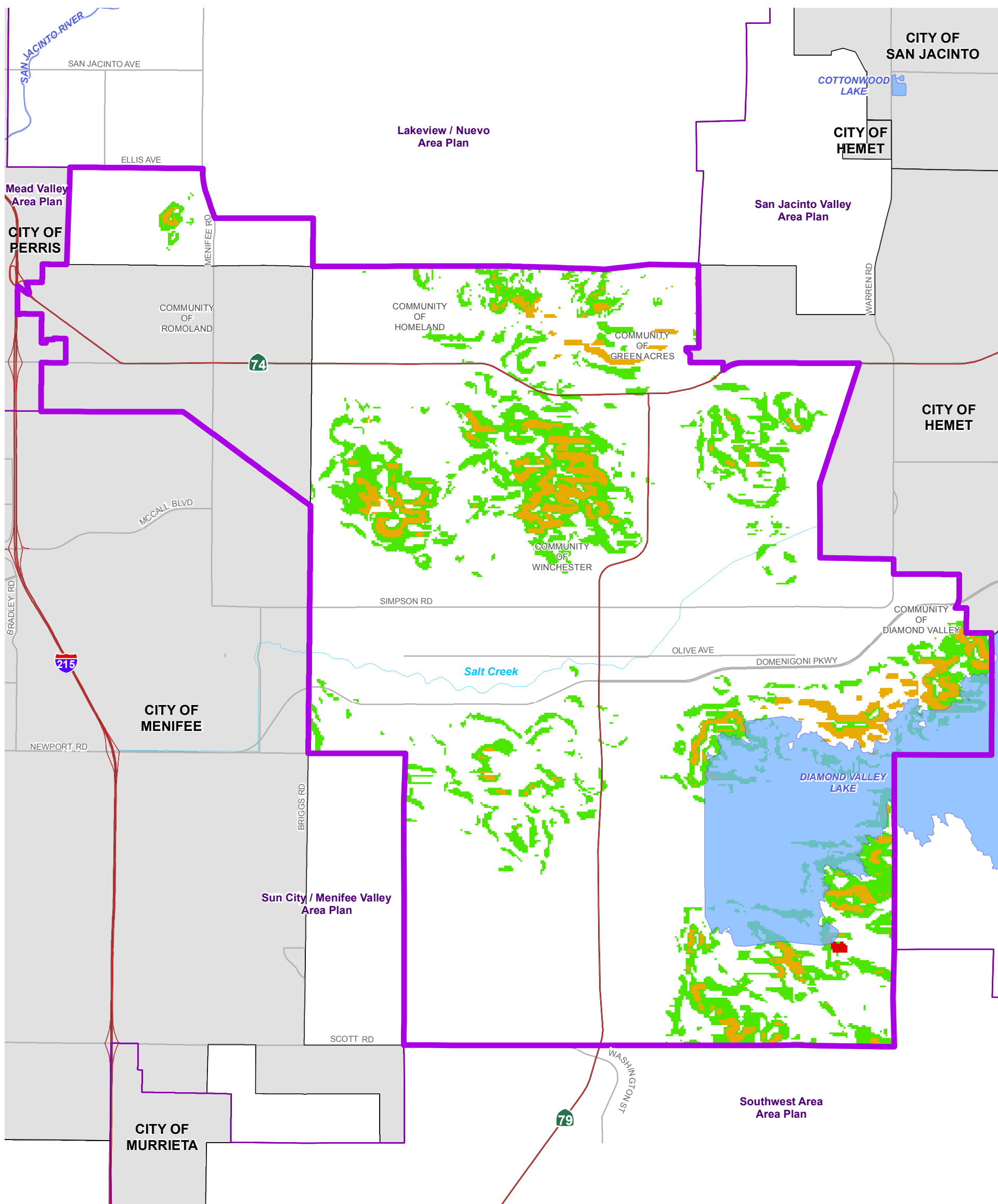


Harvest Valley/Winchester Area Plan Steep Slope Map

Source: ESRI, Riverside County, DOC/CGS

Figure 15

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Data Source: California Geological Survey (2008)

Slope Instability

- Existing Landslides
- High susceptibility to seismically induced landslides and rockfalls.
- Low to locally moderate susceptibility to seismically induced landslides and rockfalls.

- Highways
- Area Plan Boundary
- City Boundary
- Waterbodies

Figure 16

December 8, 2015

Miles
0 0.75 1.5

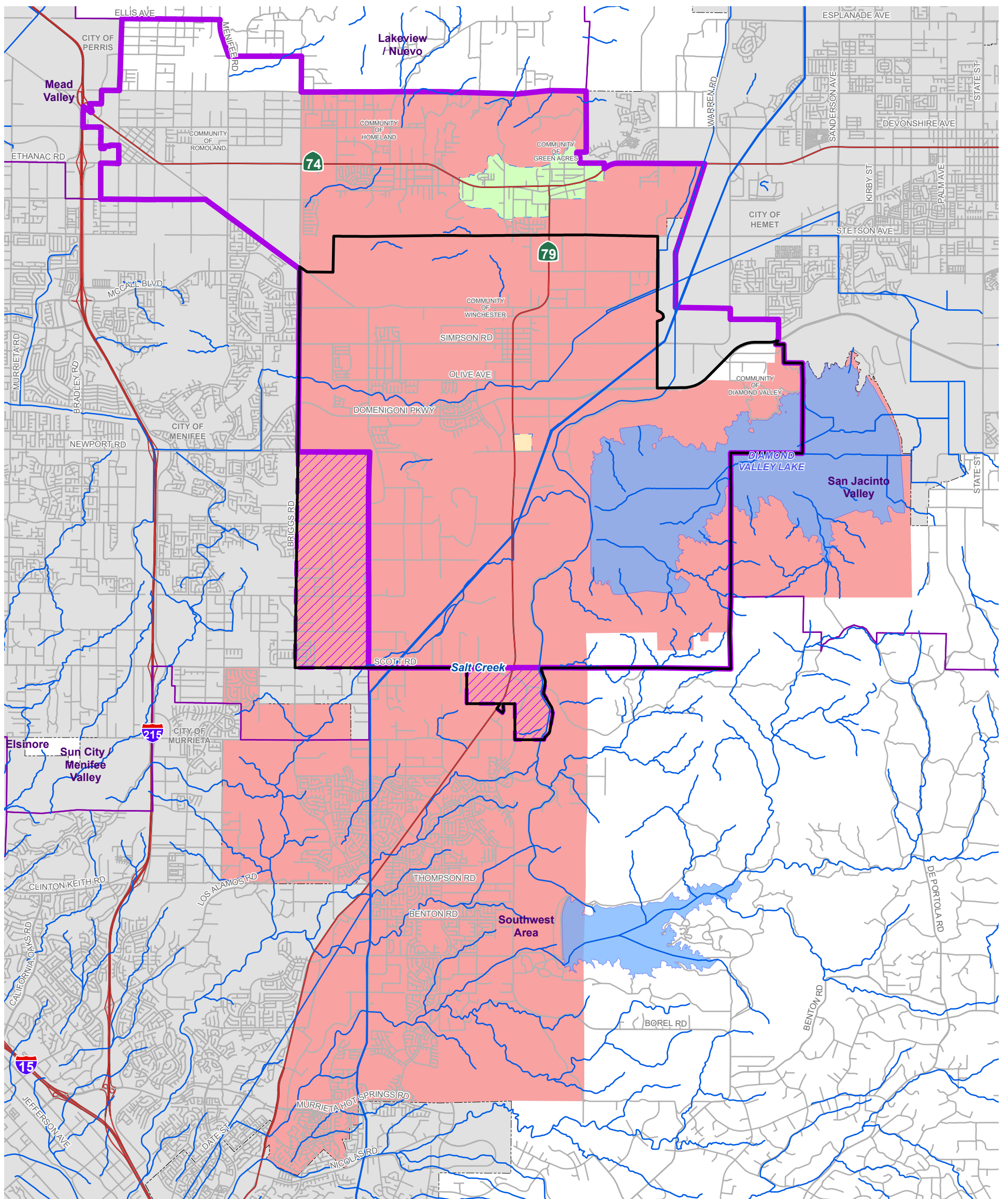
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**HARVEST VALLEY/
WINCHESTER AREA PLAN
SLOPE INSTABILITY**

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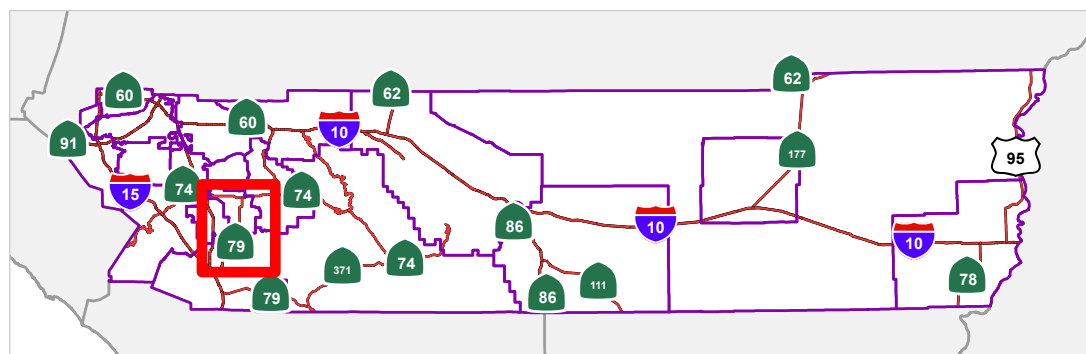


Figure X

- Area Plan Boundary
- Winchester Policy Area
- City Boundary
- Highway 79 Policy Area
- Waterbodies
- Green Acres Policy Area
- Proposed Addition to Area Plan
- Winchester Rd/Newport Rd Policy Area

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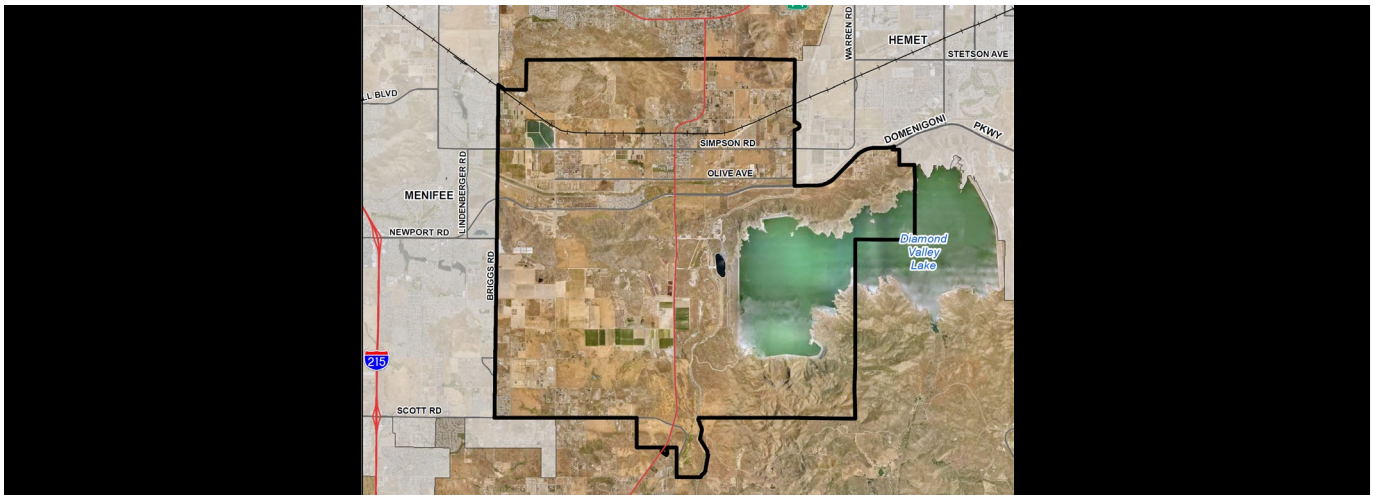
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HARVEST VALLEY/ WINCHESTER AREA PLAN HWY 79 POLICY AREA

County of Riverside

Winchester Community Plan VMT Fee Nexus Study



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Section 1. Introduction

1.1 Executive Summary

1.1.1 Project Background

The purpose of the Winchester Community Plan Vehicle Miles Traveled (VMT) Fee Nexus Study (Nexus Study) prepared for the County of Riverside is to establish a fee on new residential development within the proposed Winchester Community Plan (WCP), located within the unincorporated community of Winchester in southwestern Riverside County, California, in order to fund a Metrolink Station and Park and Ride facility for the benefit of southwestern Riverside County.

The proposed WCP is a separate document prepared by the County of Riverside amending Riverside County's Existing General Plan to expand the existing Winchester Policy Area (WPA) from approximately 287 acres to approximately 23,153 acres of land within the General Plan's Harvest Valley/Winchester Area Plan; amend the boundaries of the General Plan's Harvest Valley/Winchester, Sun City/Menifee, and Southwest Area Plans so that the expanded WPA falls within the limits of the Harvest Valley/Winchester Area Plan only; revise land use designations within the expanded Winchester Policy area, including Foundation Component amendments; and amend the General Plan's Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Menifee Valley Area Plan to revise the existing Highway 79 Policy Area language by removing the 9% reduction in density for residential projects.

This Nexus Study establishes the nexus between new residential development in the proposed WPA and the necessity for the proposed Metrolink station and Park and Ride facility. Specifically, this Nexus Study examines the relationship between the proposed removal of a 9% residential density reduction from the Harvest Valley/Winchester Policy Area, which includes the WPA, and the need for a Metrolink Station and Park and Ride. The 9% density reduction is currently imposed by the County of Riverside General Plan Policy HVWAP 7.2, which states the following:

Maintain program in the Highway 79 Policy Area to ensure that overall trip generation does not exceed system capacity and that the system operation continues to meet Level of Service standards. In general, the program would establish guidelines to be incorporated into individual Traffic Impact Analysis that would monitor overall trip generation from residential development to ensure that overall within the Highway 79 Policy Area development projects produce traffic generation at a level that is 9% less than the trips projected from the General Plan traffic model residential land use designations. Individually, projects could exceed the General Plan traffic model trip generation level, provided it can be demonstrated that sufficient reductions have occurred on other projects in order to meet Level of Service standards.

HVWAP policy 7.2 is proposed from removal from the plan, however the intent to provide alternative modes of transportation to alleviate traffic impacts remains.

This Nexus Study aims to determine a justifiable development impact fee to fund these facilities, mitigating the anticipated increase in traffic due to the density change. The fee would only be imposed on future residential development, including new development within existing Specific Plans.

During the development of the proposed WCP, neighboring communities expressed concern over anticipated traffic congestion and as a result, a 9% density reduction in the WCP/Highway 79 Policy Area to limit anticipated increases in traffic congestion was brought forward as an alternative. Since then, the County of Riverside is considering the removal of the 9% density reduction in the spirit of compliance with California legislation aimed at resolving the housing

crisis, namely the Housing Accountability Act (HAA) (Senate Bill 330) which to a large degree prohibits reductions in residential density. Under the HAA, jurisdictions are prohibited from requiring housing development to be produced at a lower density unless two findings are made:

1. There is a specific adverse impact upon public health or safety as a result of the development; and
2. No other feasible alternative to satisfactorily mitigate or avoid the identified adverse impact(s).

In the case of the WCP, no such findings can be made. Additionally, the County is implementing the 2021-2029 Housing Element which contains programs aimed at increasing the capacity for housing through the Regional House Needs Allocation.

In July 2022, the Winchester Community Plan Draft Program Environmental Impact Report (EIR) was prepared (State Clearinghouse Number 2019049114), which includes an analysis of the removal of the 9% residential density reduction as discussed in Section 4.17, *Transportation*, of the EIR. As a component of the EIR, pursuant to the requirements of Senate Bill 743 (SB 743) a VMT Analysis was prepared by Kimley-Horn Associates dated December 1, 2020 analyzing VMT impacts on residential land uses, employment land uses (excluding retail), local-serving retail uses, and regional-serving retail or other unique land uses. The VMT Analysis determined that the Residential land uses proposed by the Community Plan would result in significant and unavoidable VMT impacts while the Employment-Based and Retail Use VMT were determined to be less than significant.

The EIR also analyzed specific project design elements, VMT reducing policies and improvements, and other measures (including the planned Caltrans alignment of Highway 79) to reduce traffic in this area. Project design elements that are VMT reducing, as described within the Draft Winchester Design Principles, include specific design direction related to Smart Growth, Transit Oriented Development, Sustainability, and Mixed-Use projects, all of which may reduce project VMT. VMT reducing policies and improvements, presented in full in Appendix E of the EIR, describe the establishment of a framework for a programmatic approach to policies and improvements that respond to the need for feasible VMT mitigation within the project area. Identified VMT mitigation opportunities include the following: Transportation Demand Measures; Implementation of SCAG SB 375 Measures; Transit and Multimodal Improvements; and Establishment of a VMT Bank/Exchange. In addition, future development in the project area would be subject to payment of applicable County Development Impact Fees including the TUMF and would be conditioned to construct roadway improvements as identified in the TUMF Transportation Improvement Plans (TIPs) to offset potential transportation impacts resulting from future development. Finally, on December 16, 2016, the California Department of Transportation (Caltrans) concluded several years of studies and environmental reviews as it signed its Record of Decision establishing Highway 79 Realignment Project Alternative "1br" as its preferred alternative for the highway realignment project, as it moves forward. Project Alternative "1br" would realign and widen Highway 79 throughout the project area to a limited-access, four-lane expressway. The Caltrans realignment project would provide further improved circulation and traffic capacity to accommodate growth in Winchester and surrounding communities.

Based on this analysis, the EIR required mitigation for VMT impacts related to future residential development and identified mitigation requiring the development of a VMT Mitigation Fee to offset Residential VMT impacts for areas outside the Downtown Core/Town Center (Mitigation Measure TRA-1). The measure explicitly excludes non-residential (Employment and Retail) uses since the VMT Analysis determined that impacts associated with these uses would be less than significant.

This Nexus Study is intended to establish the needed VMT Mitigation Fee by demonstrating the nexus between the Metrolink Station and Park and Ride Facility and outline the basis of a per square-foot of dwelling unit (DU) cost (mitigation fee), per AB 602. The mitigation fee would be applicable to all new residential development that is entitled/approved after the effective date of Ordinance No. 671 adopting the fee. The fee applies to all new residential

development within the WPA, only. As stated above, this fee does not apply to commercial/industrial uses within the WPA.

Mitigation Measure TRA-1 of the EIR states:

TRA-1: Prior to commencement of residential development within the Winchester Policy Area and Highway 79 Policy Area (excluding areas in the Downtown Core), the County shall undertake a nexus study and adopt an ordinance creating a Vehicle Miles Traveled (VMT) Mitigation Fee for the Community Plan Area. The VMT Mitigation Fee shall consist of a flat fee applied to any new development within the abovementioned areas and shall fund the development of a Transit Station and Park and Ride facility in the Downtown Core. The Mitigation Fee shall not be applied to any residential units developed in the Downtown Core. The ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy Areas (excluding residential development within the Downtown Core).

1.1.2 Planning Studies and Actions Related to the Project

Several important planning studies and actions have taken place in recent years that have facilitated the proposed project, including the Winchester Land Use Study, the Riverside County 2013-2021 and 2021-2029 Housing Elements (of the General Plan), and Caltrans' 2016 Record of Decision regarding the preferred route of the Highway 79 realignment project.

In September 2012, with funding provided by the County's Economic Development Agency, the conceptual Winchester Land Use Study was completed by Tierra Verde Planning. This study identified preferred land use planning options for the community based on extensive public outreach and public input.

On December 6, 2016, the Riverside County Board of Supervisors adopted General Plan Amendment (GPA) No. 1122 and Change of Zone (CZ) No. 7902, thereby adopting the County's 2013-2021 "5th Cycle" Housing Element, and as part of that project, amended the HVWAP to establish land use designations for nine MUA (Mixed-Use Area) and one HHDR (Highest Density Residential) neighborhood areas located in and immediately adjacent to the historic core of Winchester. In addition, these MUA and HHDR neighborhood areas were also rezoned to the County's new MU (Mixed-Use) and R-7 (Highest Density Residential) Zones, respectively. Together, these neighborhood areas provide the basis for the future development of a more intense, mixed-use, and vibrant and walkable core for Winchester. The County's 2021-2029 6th Cycle Housing Element Update (adopted September 28, 2021) also includes the amended land use designations for these neighborhood areas.

In July 2022, the overall WCP – GPA No. 1207 project was analyzed in the EIR as discussed above and included the creation of new Design Guidelines for the Winchester Policy Area; refer to [Section 1.3, Project Description](#), below for the full WCP project description.

1.1.3 Key Findings

The studies found that:

- **Transit Facilities Cost Estimates:** The estimated cost for the proposed Metrolink station and Park & Ride facility totals approximately \$41 million.
- **Impact Fee Range:** The study proposes an impact fee of \$0.96 (single-family residences), \$0.50 (multi-family residences), and \$0.28 (Accessory Dwelling Units) per square foot of new residential development.
- **Nexus Analysis:** The analysis confirms a clear nexus between new residential development and the need for additional transit infrastructure, supporting the justification for the proposed fees.

1.1.4 Recommendations

The study found that

- **Fee Structure:** The implementation of a tiered fee structure to account for different modalities of residential development and their respective impacts on transit demand.
- **Fee Procedures and Accountability:** Establishes clear procedures for fee collection and management, ensuring transparency and accountability in the allocation of funds towards the transit facilities.

1.2 Project Location

The Winchester Community Plan is located within the southwestern portion of the County of Riverside (County); refer to [Exhibit 1, *Regional Vicinity*](#). On a regional basis, the project area is accessible by the State Route 79 (SR-79), which bisects the project area in a north-south direction, and State Route 74 (SR-74), which bisects the project area in an east-west direction. The project area is surrounded by unincorporated County land and the city of Hemet to the north and east, unincorporated County land and the cities of Murrieta and Temecula to the south, and the cities of Murrieta and Menifee to the west; refer to [Exhibit 2, *Local Vicinity*](#). The project area is almost entirely within the General Plan's Highway 79 Policy Area (50,061 acres) boundary. The boundaries of the Winchester Policy Area are depicted on [Exhibit 3, *Winchester Policy Area*](#). The boundaries of the Highway 79 Policy Area are depicted on [Exhibit 4, *Highway 79 Policy Area*](#).

As discussed above, the proposed Metrolink station and Park and Ride facility that are examined in this Nexus Study are located in the Winchester Policy Area. The community of Winchester is characterized by its residential developments, suburban growth making it an ideal site for enhanced transit infrastructure. Based on the General Plan's existing land uses within the project area include residential, commercial, agriculture, open space, and public facility land use designations.

1.3 Project Description

Overall, the proposed General Plan Amendment (GPA) No. 1207 establishing the Winchester Community Plan would amend the Riverside County General Plan by:

1. Expansion of the existing Winchester Policy Area from approximately 287 acres to approximately 23,153 acres of land within the General Plan's Harvest Valley/Winchester Area Plan.
2. Amending the boundaries of the General Plan's Harvest Valley/Winchester, Sun City/Menifee, and Southwest Area Plans so that the expanded Winchester Policy Area falls within the limits of the Harvest Valley/Winchester Area Plan only.
3. Revising land use designations within the expanded Winchester Policy Area, including Foundation Component amendments. Approximately 227 parcels totaling 1,480 acres would require Foundation Component Amendments that include changes from the Rural and Rural Community components to the Community Development component. Consistency zoning revisions for approximately 921 parcels would occur in the future as a result of the revised land use designations proposed as part of the project.
4. Amending the General Plan's Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Menifee Valley Area Plan to remove the existing Highway 79 Policy Area thereby removing the 9% reduction in density for residential projects. This policy will be replaced with a fee on newly

entitled dwelling units (not dwelling units already entitled), to fund a vehicle park-n-ride and transit station within the Winchester downtown core area. This removal of the Highway 79 Policy Area language will be carried throughout the General Plan document, where necessary, for internal consistency. The Highway 79 Policy Area boundary includes approximately 50,061 acres. Additionally, revisions to several policies within the Area Plans address the transition from level of service (LOS) to VMT thresholds in environmental assessments.

The project also proposes the creation of new Design Guidelines for the Winchester Policy Area and consistency zoning. Future zoning consistency changes will be undertaken by the County because of the modified land use designations proposed as part of the project.

1.4 Methodology

This Nexus Study employs a two-pronged methodology, combining trip-based and model-based analyses from the project EIR, to establish a robust nexus between the increased residential density within the proposed Winchester Community Plan and the need for the Metrolink Station and Park and Ride.

1.4.1 Trip-Based Analysis

The trip-based analysis quantifies the traffic impact of the increased density and estimates the project's mitigation potential. It involves the following steps:

1. **Confirmation of Land Uses/Growth Forecasts:** The study verifies the assumptions used to calculate future residential land use intensities, including population, dwelling units, and square footage of residential housing. These forecasts are based on the WCP and other relevant planning documents.
2. **Existing and Future VMT Estimation:** The analysis estimates the existing VMT in Winchester using traffic data, surveys, or transportation models.
3. **Service Population:** The study defines the service population, which includes the residents and employees within the WCP area who are likely to benefit from the Metrolink Station and Park and Ride. The Riverside County Transportation Commission's (RCTC's) "Next Generation Rail Corridors Analysis" (September 11, 2019) reveals that the Perris to Temecula corridor, which encompasses Winchester, had a 2012 population of 432,430 within a 5-mile radius of potential transit stations. This figure is projected to increase to 623,687 by 2040, signifying a substantial and growing population within the station's catchment area.
4. **Trip Generation and Distribution:** Trip generation rates specific to residential development were used to estimate the number of trips generated by the new housing units resulting from the removal of the 9% density reduction. The document utilizes a trip generation rate of 9.64 daily trips¹ per dwelling unit, which can inform this step.
5. **Mode Choice:** Mode choice models were applied to estimate the proportion of trips generated by the new development that are likely to utilize the Metrolink Station and Park and Ride. The mode choice analysis should consider various factors, such as travel time, cost, convenience, and accessibility, to provide a realistic estimate of potential Metrolink ridership.

¹ Final-RCTC-CTO8-PVL-Growth-Market Assessment Report

6. **Metrolink Ridership and Parking Demand:** Based on the mode choice analysis, the study estimates the projected Metrolink ridership and parking demand at the new station. The ridership projections from the "Next Generation Rail Corridors Analysis" (295 to 2,166 daily riders) can provide a baseline for this estimation.
7. **Facility Design and Cost Estimation:** The required size and capacity of the Metrolink station and Park and Ride facility was determined based on the projected ridership and parking demand. Subsequently, the capital and operating costs of these facilities have been estimated. The cost estimates from the "Next Generation Rail Corridors Analysis" serve as a reference for the Metrolink station and Park and Ride's cost analysis, which is estimated to be \$41 million.
8. **Fee Calculation:** The appropriate fee per residential unit was calculated by dividing the estimated costs by the projected number of trips generated by each unit. The fee has been structured to be proportionate to the square footage of the residential units, in compliance with Assembly Bill 602. This is in accordance with the requirements of AB 602, which mandates that development impact fees for transit facilities be calculated on a per-square-foot basis for residential development.

1.4.2 Model-Based VMT Analysis

The model-based VMT analysis utilizes a travel demand model to simulate travel patterns and estimate the change in VMT resulting from the increased residential density and the implementation of the Metrolink Station and Park and Ride. It involves the following steps:

1. **Define the Scope:** The project involves the removal of a 9% residential density reduction in the Highway 79 Policy Area, leading to increased development and potential traffic congestion within the Winchester Community Plan. The study area encompasses the WPA, and the baseline conditions have been established based on the existing travel patterns and land use data.
2. **Future Scenarios:** Two future scenarios were evaluated:
 - **No Project Scenario:** This scenario assumes that the 9% density reduction remains in place and the Metrolink Station and Park and Ride project is not implemented.
 - **Project Scenario:** This scenario considers the implementation of the Metrolink Station and Park and Ride, along with the increased residential density. It assesses the potential for the project to reduce VMT by providing a viable transit alternative.
3. **Data Collection and Preparation:** Traffic data, including traffic counts and travel time surveys, were collected for the Winchester area. Land use data, including existing and projected development patterns, were also gathered. The land use analysis from the "Next Generation Rail Corridors Analysis," particularly the examination of employment densities, were incorporated into the Nexus Study's assessment of transit-supportive land uses near the proposed station location.
4. **Travel Demand Models:** The County of Riverside's regional travel demand model, RIVTAM, was utilized in the project EIR to simulate travel patterns and estimate VMT under both the No Project and Project scenarios. The model considers factors such as trip generation, trip distribution, mode choice, and route assignment.
5. **VMT Estimation:** The travel demand model was used to estimate the total VMT generated in the Winchester area under both the No Project and Project scenarios for the PM peak hour. The PM peak hour was chosen as it typically represents the period of highest traffic congestion and travel demand.

6. **Impact Analysis:** The VMT estimates from both scenarios were compared to determine the net VMT impact of the project. The difference in VMT between the No Project and Project scenarios represents the VMT reduction benefit attributable to the Metrolink Station and Park and Ride.
7. **Reporting and Documentation:** The entire analysis process, including the data sources, assumptions, model parameters, and results, were thoroughly documented. The documentation also addresses any CEQA considerations related to the project's potential impacts on transportation and air quality.

By using the comprehensive model-based VMT analysis from the project EIR, the Nexus Study provides a more robust and nuanced understanding of the project's potential to mitigate traffic congestion and reduce VMT in the Winchester area. This strengthens the nexus between the increased residential density and the need for the Metrolink Station and Park and Ride, supporting the project's justification and facilitating informed decision-making.

Section 2. Rationale for the Impact Study

2.1 Purpose of the Fee

The purpose of the proposed fee is to fund the construction of a Metrolink Station and Park and Ride in the community of Winchester. There would be no operational costs associated with the fee. The Metrolink Station will provide access for the future connection to the existing Perris Valley Line.

2.2 Need for the Fee

The removal of the 9% residential density reduction is expected to increase traffic in the area and exceed VMT thresholds identified in the project EIR. As discussed in the project's EIR Section 4.17, *Transportation*, Impact TRA-2 (*Project Implementation Could Conflict or be Inconsistent With CEQA Guidelines Section 15064.3, Subdivision (b)*), VMT significance thresholds are based on land use type, broadly categorized as efficiency and net change metrics. Efficiency metrics include VMT/Capita (Residential) and Work VMT/Employee (Employee-Based VMT) and are presented below in Table 1, *Project VMT Impact Evaluation – Efficiency Metrics*. The calculations of VMT efficiency metrics have two components – the total number of trips generated and the average trip length of each vehicle. As the project involves both residential and non-residential trips, trip productions and attractions were used from the all home-based trip purposes and home-based-work trip purpose matrices, respectively. Using the peak and off-peak person trip matrices, skim (distances) matrices and appropriate occupancy rates, VMT was calculated for the project traffic analysis zones (TAZs). Table 1 shows the efficiency metric results for analysis scenarios.

Table 1: Project VMT Impact Evaluation – Efficiency Metrics

Analysis Scenario	Residential VMT/Capita	Threshold Performance	Employment-Based VMT/Employee	Threshold Performance
Riverside County Thresholds	15.19		14.24	
Existing				
Winchester Policy Area	25.13	+65.4%	14.14	-0.7%
Riverside County	15.19	0.0%	14.24	0.0%
Existing Plus Project				
Winchester Policy Area	16.54	+8.9%	12.05	-15.4%
Riverside County	14.74	-2.9%	13.98	-1.8%
Cumulative No Project Conditions				
Winchester Policy Area	23.33	+53.6%	15.26	+7.2%
Riverside County	16.63	+9.5%	15.72	+10.4%
Cumulative Plus Project Conditions				
Winchester Policy Area	17.43	+14.8%	13.45	-5.5%

Riverside County	16.36	+7.7%	15.56	+9.3%
Cumulative Plus Project Conditions with Regional Control Totals Maintained				
Winchester Policy Area	17.42	+14.7%	13.45	-5.5%
Riverside County	15.94	+4.9%	14.77	+3.8%
Cumulative No Project Conditions with City of Menifee Update				
Winchester Policy Area	23.23	+52.9%	15.08	+5.9%
Highway 79 Policy Area (Outside Winchester Policy)	22.89	+50.7%	16.42	+15.3%
Riverside County	16.63	+9.5%	15.66	+10.0%
Cumulative Plus Project with City of Menifee Update				
Winchester Policy Area	17.48	+15.1%	13.32	-6.5%
Highway 79 Policy Area (Outside Winchester Policy)	21.37	+40.7%	16.25	+14.1%
Riverside County	16.37	+7.8%	15.52	+9.0%
Source: Kimley-Horn and Associates, Inc. 2020. <i>Draft SB 743 Analysis</i> . Exhibit 2.				
Notes:				
Green text = does not exceed threshold				
Red text = exceeds threshold				

The total VMT evaluation, provided in the EIR, summarizes the estimated total average daily weekday VMT for all the land uses within the Community Plan for the analysis scenarios. These VMT calculations relied on a link-based methodology with specific trip types used to estimate the vehicular traffic volume and VMT generated from all the land uses within the project area. This methodology isolates specific trip types (using select zone analyses) depending on their origin and destination relative to the project area and includes the entire trip length of each vehicle trip in the VMT estimate.

Given the lack of future project-specific details that are available at this community plan/programmatic level, it is not possible to fully account for the effects of future project-specific design principles, policies, and improvements that would reduce VMT as part of this analysis. However, these approaches are still important considerations in evaluating the results of this VMT analysis and as appropriate, should be accounted for in future development VMT evaluations within the project area.

The fee will finance infrastructure that promotes public transit use and reduces VMT. The fee will not be used to address existing deficiencies in transportation infrastructure.

2.3 Geographic Area

2.3.1 Physical Environment

The northern portion of the project area primarily consists of vacant undeveloped parcels and agricultural uses except for limited residential and commercial uses which are generally located along SR-79 and SR-74. The southern portion of the project area generally supports similar development as the northern portion of the project area but contains a larger concentration of residential uses as well as the French Valley Airport; refer to Exhibit 2, Local Vicinity.

The project area is part of a system of broad, sweeping valleys and is framed by the Menifee Valley to the west and Domenigoni Valley to the south. The major physical features that define the project area include the Double Butte, Dawson, and Lakeview Mountains, as well as Diamond Valley Lake and Lake Skinner. Double Butte and Lakeview Mountains in the northern portion of the project area and the Dawson Mountains that create the southern wall of Diamond Valley Lake create a visual backdrop for the project area. Salt Creek bisects the project area in an east-west direction north of Domenigoni Parkway, and the San Diego Canal/Aqueduct trends along the eastern limits of the project area to transport water from Diamond Valley Lake to Lake Skinner, where the canal ends.

In addition to SR-79, SR-74, and Domenigoni Parkway, an unused BNSF Railroad Line bisects the northern limits of the project area in an east-west direction.

2.3.2 Demographic Data for the Geographic Area

Demographic data for the Winchester census-designated place (CDP) was obtained from the U.S. Census Bureau and is provided in the tables below in order to provide a snapshot of the population within the project area. The geographic area of this CDP is shown in Exhibit 5, Winchester CDP Area Boundaries. Specifically, the data is derived from the most recent U.S. Census Bureau dataset available (2022 American Community Survey data 5-year estimates) except where noted otherwise. The Winchester CDP was selected for analysis because the residents of the CDP will be the primary users and growth area for the proposed transit facilities. It should be noted that the Winchester CDP area and population are smaller than the area and population of the overall Winchester Policy Area as described previously. Winchester CDP area is 7.7 square miles and has a population of 2,917, whereas the Winchester Policy Area covers approximately 36 square miles and has an existing population of 83,440.

Table 2, Population and Household Size Data for the Winchester CDP, shows the population and average household size. As shown, the most recent data indicates that the Winchester CDP contains approximately 2,917 residents and the average household size (persons per household) is 3.51 persons.

Table 2: Population and Household Size Data for the Winchester CDP

	Winchester CDP (2022) ¹
Population (number of people)	2,917
Average Household Size²	3.51
Notes:	
1 = Data was obtained from the most recent U.S. Census Bureau dataset available (2022 American Community Survey data 5-year estimates) except where noted otherwise; census data available at https://data.census.gov/table	
2 = The data from the Riverside County General Plan Appendix E-1 is nearly 20 years old; therefore, the more recent census data was used instead.	

Table 3, *Income Levels and Poverty Status for the Winchester CDP*, shows the income levels by dollar amount and poverty status by percentage for the Winchester CDP. As shown, the most recent data indicates that the median income for the Winchester CDP is \$70,865. The poverty status in the Winchester CDP (percent of families considered to be living below the poverty line) is fairly low at 7.2%.

Table 3: Income Levels and Poverty Status for the Winchester CDP

	Winchester CDP (2022) ¹
Income Levels²	
Total Number of Households	832
Family Households	601
Non-Family Households	231
Less than \$10,000	3.1%
\$10,000 to \$14,999	0.0%
\$15,000 to \$24,999	13.5%
\$25,000 to \$34,999	5.0%
\$35,000 to \$49,999	7.9%
\$50,000 to \$74,999	28.6%
\$75,000 to \$99,999	25.7%
\$100,000 to \$149,999	9.4%
\$150,000 to \$199,999	5.6%
\$200,000 or more	1.1%
Median income (dollars)	\$70,865
Mean income (dollars)	\$72,032
Poverty Status in the Past 12 months (percent of family households earning <125% of federal poverty level)	100 (16.6%)
Notes:	
1 = Data was obtained from the most recent U.S. Census Bureau dataset available (2022 American Community Survey data 5-year estimates) except where noted otherwise; census data available at https://data.census.gov/table	
2 = Raw numbers were not provided by the census, only percentages	

Table 4, *Vehicle Ownership Rates for the Winchester CDP*, shows the number of vehicles available in households in the Winchester CDP. As shown, the most recent vehicle ownership rates indicate that more than 60% of households in the Winchester CDP have 3 or more vehicles available.

Table 4: Vehicle Ownership Rates for the Winchester CDP

	Winchester CDP (2022) ¹
Vehicle Ownership Rates	
Total	1,120
No vehicle available	0 (0.0%)
1 vehicle available	109 (9.7%)
2 vehicles available	332 (29.6%)
3 or more vehicles available	679 (60.7%)
Notes: 1 = Data was obtained from the most recent U.S. Census Bureau dataset available (2022 American Community Survey data 5-year estimates) except where noted otherwise; census data available at https://data.census.gov/table	

Table 5, *Employment Data for the Winchester CDP*, shows the total numbers and types of jobs by occupation for employees in the Winchester CDP. As shown, the most recent employment statistics for the Winchester CDP indicate that approximately 45.5% of the population are employed. The highest percentage of occupation types are employees in the production, transportation, and material moving occupations (33.9%) and service occupations (28.1%), while the lowest percentage of occupation types are sales and office occupations (11.9%).

Table 5: Employment Data for the Winchester CDP

	Winchester CDP (2022) ¹
Employment, Number of Jobs	
Total Population 16 Years and Older	2,541
In labor force	1205 (47.4%)
Employed	1147 (45.1%)
Unemployed	49 (1.9%)
Armed Forces	9 (0.4%)
Not in labor force	1336 (52.6%)
Employment, Type of Jobs (Occupation)	
Civilian employed population 16 years and over	1,147
Management, business, science, and arts occupations	156 (13.6%)
Service occupations	322 (28.1%)
Sales and office occupations	137 (11.9%)
Natural resources, construction, and maintenance occupations	143 (12.5%)
Production, transportation, and material moving occupations	389 (33.9%)
Notes: 1 = Data was obtained from the most recent U.S. Census Bureau dataset available (2022 American Community Survey data 5-year estimates) except where noted otherwise; census data available at https://data.census.gov/table	

Table 6, *Commuting Patterns for the Winchester CDP*, shows the means of transportation to work for employees in the Winchester CDP. As shown, the most recent commuting pattern statistics of employees in the Winchester CDP indicate that approximately 78.0% of people drove alone to work, while 14.2% of people carpoled. 0% of people used public transportation or other means, or walked to work. Approximately 7.8% of people worked from home. The mean travel time to work for employees in the Winchester CDP was approximately 46.4 minutes.

Table 6: Commuting Patterns for the Winchester CDP

	Winchester CDP (2022) ¹
Commuting Patterns	
Workers 16 years and over	1,120
Car, truck, or van -- drove alone	874 (78.0%)
Car, truck, or van -- carpoled	159 (14.2%)
Public transportation (excluding taxicab)	0 (0.0%)
Walked	0 (0.0%)
Other means	0 (0.0%)
Worked from home	87 (7.8%)
Mean travel time to work (minutes)	46.4
Notes: 1 = Data was obtained from the most recent U.S. Census Bureau dataset available (2022 American Community Survey data 5-year estimates) except where noted otherwise; census data available at https://data.census.gov/table	

2.4 Nexus Findings

2.4.1 Nexus Analysis

Methodology

The analysis presented in this document aims to estimate the increase in vehicle miles traveled (VMT) resulting from the proposed density reduction removal and to develop a conceptual transit impact fee to offset the costs of developing the Metrolink and Park and Ride facilities.

To estimate the VMT impact, we employ a simplified approach utilizing the CUD model, leveraging readily available data from the project EIR, County planning documents, and established trip generation rates.

The calculations presented herein are based on the projected increase in dwelling units, average household size, trip generation rates for single-family and multi-family dwellings, average trip length, and the estimated VMT reduction potential of the Metrolink station and Park and Ride project. The data sources and assumptions used in these calculations are as follows:

- **Projected Increase in Dwelling Units:** 12,329² units
- **Average Household Size:** 3.51³ persons per household
- **Trip Generation Rate (Single-Family):** 9.4⁴ daily trips per dwelling unit
- **Trip Generation Rate (Multi-Family):** 4.32⁵ daily trips per dwelling unit
- **Average Trip Length:** 10 miles
- **VMT Reduction Potential of Transit Project:** Based on ridership projections and average trip length reduction

It is important to acknowledge that this simplified approach has inherent limitations. The absence of a formal travel demand model may lead to an underestimation or overestimation of the actual VMT impact. Factors such as trip distribution, mode choice, and travel behavior, which are typically accounted for in a travel demand model, are not explicitly considered in this analysis.

Scope

The purpose of a nexus study is to establish the relationship, or nexus, between new development associated with the Winchester Community Plan and the need for new or expanded public facilities.

AB 1600 was enacted by the State of California in 1987 creating the Mitigation Fee Act - Section 66000 et seq. of the Government Code. The Mitigation Fee Act requires that all public agencies satisfy the following requirements when establishing, increasing, or imposing a fee as a condition of approval of a development project:

1. Identify the purpose of the fee.
2. Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified.
3. Determine how there is a reasonable relationship between the fees use and the type of development project on which the fee is imposed.
4. Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.
5. Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

This nexus study analyzes the connection between the anticipated growth in the WPA, due to the removal of the 9% residential density reduction, and the need for a new Metrolink Station and Park and Ride. Once this nexus is established, the study will calculate appropriate transportation fees to be levied on new development to fund the transit project. The project involves the removal of a 9% residential density reduction in the WPA, leading to increased development and potential traffic congestion.

The WPA, also referred to as the study area is a region characterized by a blend of undeveloped land, agricultural uses, and emerging residential and commercial developments. The area is geographically defined by prominent features such as the Double Butte, Dawson, and Lakeview Mountains, and the San Diego Canal/Aqueduct, which transports water from Diamond Valley Lake to Lake Skinner.

² Data was obtained from the Winchester Community Plan.

³ Data was obtained from the most recent U.S. Census Bureau dataset available (2022 American Community Survey data 5-year estimates) except where noted otherwise; census data available at <https://data.census.gov/table>

⁴ Data was obtained from the Winchester Community Plan Environmental Impact Report.

⁵ Data was obtained from the Winchester Community Plan Environmental Impact Report.

The study area includes two major state routes, SR-79 running north-south and SR-74 running east-west, providing crucial regional connectivity. The area also falls almost entirely within the County's Highway 79 Policy Area, a designation that has historically guided growth and development patterns in the region.

The study area is poised for significant transformation, with proposed changes to land use policies and the potential for increased residential density. The area's future development trajectory is intertwined with critical considerations around transportation infrastructure, traffic management, water/sewer/drainage infrastructure, and environmental sustainability.

The Need for a Metrolink Station and Park and Ride

The nexus between the proposed Metrolink Station and Park and Ride project and the anticipated growth in Winchester is multifaceted. It addresses several key needs and impacts arising from the removal of the 9% residential density reduction:

- **Increased Traffic and VMT Reduction:** The increase in population and housing units is projected to generate a substantial increase in Vehicle Miles Traveled (VMT), exacerbating existing traffic congestion on major roadways like I-215. The RCTC's 'Next Generation Rail Corridors Analysis' indicates that I-215 was already operating over capacity in 2012, and future projections show continued congestion without intervention.
- The high rate of vehicle ownership (over 60% of households have 3 or more vehicles) and the current lack of public transit usage (0%), as identified in [Table 6, *Commuting Patterns for the Winchester CDP*](#), above, in Winchester CDP further emphasize the reliance on private vehicles and the urgent need for alternative transportation options. The Metrolink station, by offering a viable alternative, can encourage a shift towards public transit, thereby reducing traffic volumes and mitigating congestion. The Metrolink station, by offering a viable alternative to personal vehicles, can encourage a shift towards public transit, thereby reducing traffic volumes and mitigating congestion.
- **Air Quality Improvement:** The Environmental Impact Report (EIR) for the Winchester Community Plan highlights significant and unavoidable air quality impacts associated with the project, primarily due to increased vehicle emissions. The project would result in a cumulatively considerable net increase of criteria pollutants, exposure of sensitive receptors to substantial pollutant concentrations, and generation of greenhouse gas emissions. The Metrolink station can play a crucial role in mitigating these impacts by reducing VMT and promoting cleaner modes of transportation. The Nexus Study will quantify the potential air quality benefits of the project using data from the EIR.
- **Meeting Housing Needs:** The 6th Cycle Housing Element Update reveals a pressing need for 40,647 new dwelling units in Riverside County. The WCP's facilitation of approximately 12,329 total new dwelling units from the Highway 79 policy area directly contributes to addressing this need, establishing a clear nexus between the project and the County's housing goals.
- **Economic Development:** The Perris Valley Line Growth Study Market Assessment underscores the potential for the Metrolink station to stimulate economic development. The high percentage of employees in production, transportation, and material moving occupations in Winchester CDP (33.9%), as identified in [Table 5, *Employment Data for the Winchester CDP*](#), above, suggests a significant proportion of the population commutes to locations outside of the area. Improved transit connectivity can attract businesses, create jobs, and enhance access to employment opportunities, further strengthening the project's justification.

Evaluation of Alternatives

The EIR evaluated a range of alternatives to the proposed project, including a No Project Alternative and alternatives with varying levels of development and mitigation measures. The analysis considered the project's objectives, potential

environmental impacts, and feasibility. The Metrolink Station and Park and Ride was selected as the preferred alternative due to its ability to effectively address the anticipated traffic congestion and air quality impacts associated with the increased residential density, while also promoting sustainable transportation and economic development.

Methodology

- The proposed Metrolink Station and Park and Ride project aims to enhance transportation options and accommodate diverse travel modes (transit, bicycle, pedestrian, and vehicles) within a comprehensive transportation system. This system is designed to support local and statewide policies promoting sustainable growth and reduced automobile dependency.
- It's important to recognize that the mobility fee program associated with the project doesn't alter the projected growth; instead, it focuses on mitigating the traffic impacts of that growth. The project list is designed to deliver improvements that result in lower VMT per capita compared to a future scenario without the project.
- VMT serves as the primary metric for establishing the nexus between new development and the need for transportation improvements. It reflects the relationship between single-occupancy vehicle trips and travel by non-vehicular modes or high-occupancy vehicles. Consequently, the nexus for the proposed development impact fee will be based on 'VMT' and 'VMT per capita.'

To establish the nexus, this study will employ a two-pronged methodology:

- **Capacity Utilization and Demand (CUD) Analysis:** This analysis will quantify the traffic impact of the increased residential density resulting from the removal of the 9% density reduction. It will estimate the number of new trips generated by the development, their distribution across the transportation network, and the proportion of those trips that could potentially be shifted to the Metrolink Station and Park and Ride. This analysis will help determine the project's potential to mitigate traffic congestion and reduce VMT.
- **Model-Based VMT Analysis:** This analysis may utilize a travel demand model, if available, to simulate travel patterns and estimate the change in VMT resulting from the increased residential density and the implementation of the Metrolink Station and Park and Ride under two scenarios: one with the project (including the Metrolink station) and one without the project (the "No Project" scenario). The analysis will leverage existing data and reasonable assumptions to estimate the project's impact on VMT, recognizing that further refinement may be necessary as more data becomes available. By comparing the VMT generated in both scenarios, the study will quantify the net VMT reduction benefit attributable to the Metrolink Station and Park and Ride.

2.4.2 VMT Analysis using CUD Model

The CUD model calculates the VMT impact per dwelling unit for each housing type, considering their distinct characteristics and travel patterns. It estimates the VMT impact as follows:

- $\text{VMT Impact per Dwelling Unit} = (\text{Annual Trips per Dwelling Unit}) * (\text{Average Trip Length})$
- $\text{Annual Trips per Dwelling Unit} = (\text{Daily Trips per Dwelling Unit}) * 365$

The model utilizes trip generation rates specific to Single-Family Residences (SFRs), Multi-Family Residences (MFRs) and Accessory Dwelling Units (ADUs), along with the average trip length, to quantify the VMT contribution of each housing type. This approach allows for a more granular and accurate assessment of the project's transportation impacts compared to a simplified method that relies on aggregate trip generation rates.

Scope

The project involves the removal of a 9% residential density reduction through the removal of the Highway 79 Policy Area, leading to increased development and potential traffic congestion. The WCP is a region characterized by a blend of undeveloped land, agricultural uses, and emerging residential and commercial developments. The area is geographically defined by prominent features such as the Double Butte, Dawson, and Lakeview Mountains, and the San Diego Canal/Aqueduct, which transports water from Diamond Valley Lake to Lake Skinner.

The study area includes two major state routes, SR-79 running north-south and SR-74 running east-west, providing crucial regional connectivity. The area is poised for significant transformation, with proposed changes to land use policies and the removal of the 9% density reduction. The area's future development trajectory is intertwined with critical considerations around transportation infrastructure, traffic management, water/sewer/drainage infrastructure and environmental sustainability.

VMT Estimation Methodology

- **Purpose of the VMT Estimation:** To quantify the increase in Vehicle Miles Traveled (VMT) resulting from the removal of the 9% residential density reduction.
- **Study Area:** The geographical area under consideration for the VMT analysis, which is the WCP area.
- **Baseline Conditions:** The existing travel patterns and land use data that serve as the basis for comparison with the future scenarios.
- **Future Scenarios:** The two scenarios being evaluated: one with the project (including the Metrolink station) and one without the project (the "No Project" scenario).
- **Key Metrics:** The primary metrics used to assess the transportation impacts and the project's effectiveness in mitigating them, which are Vehicle Trips and VMT.
- **Data Sources and Assumptions:** The data sources and assumptions used in the VMT estimation, including the projected increase in dwelling units, trip generation rates, average trip lengths, and the potential influence of the Highway 79 Area Plan.

Considerations for Existing and Future Development

While this study primarily focuses on the traffic impacts of new development resulting from the removal of the 9% density reduction, it's important to recognize that existing residential development also contributes to the demand for transit facilities. The potential transit usage by existing residents will be considered in the overall demand projections and facility sizing to ensure the Metrolink Station and Park and Ride adequately accommodates the needs of the entire community. As discussed in Section 1.1.1 above, it should be noted that the Winchester Community Plan VMT Analysis determined that the residential land uses proposed by the Community Plan would result in significant and unavoidable VMT impacts, and the project's employment-based and retail use VMT were determined to be less than significant by the VMT Analysis. This resulted in the requirement of the fee to offset residential VMT impacts for areas outside the Downtown Core/Town Center (Mitigation Measure TRA-1). The measure excludes non-residential (employment and retail) uses since the VMT Analysis determined that impacts associated with these uses would be less than significant.

The possibility of previously entitled projects undergoing the entitlement process again to take advantage of the density reduction could lead to additional development and increased demand for transit facilities beyond the initial projections. To address this, a monitoring program will be implemented to track development trends and adjust the impact fee or facility plans as needed. The project may also adopt a phased implementation approach, allowing for adjustments based on observed development patterns. Additionally, contingency plans will be developed to address potential funding shortfalls or capacity constraints if development exceeds projections.

Future Scenarios

No Project Option

The "No Project" option represents a scenario where the proposed Metrolink Station and Park and Ride project is not implemented. It's crucial to recognize that even under this scenario, leaving the Highway 79 Policy Area in place could lead to increased development and traffic generation within that specific area. The removal of the policy area's restrictions might incentivize higher-density development, potentially offsetting some of the traffic mitigation benefits of retaining the 9% density reduction.

The estimated annual VMT increase under the "No Project" option, considering the potential impact of the Highway 79 Area Plan remaining in place, is approximately 414,791,423. This figure highlights the substantial traffic implications even without the removal of the 9% density reduction. The absence of the Metrolink station further compounds the issue, as there would be no significant new transit alternative to mitigate the increased traffic.

The "No Project" option, even with the Highway 79 Policy Area left in place, could lead to several adverse consequences and diminished quality of life. Such consequences include:

- **Persistent or Worsened Traffic Congestion:** The additional traffic generated by the increased development, coupled with the lack of new transit options, could exacerbate existing congestion on I-215 and other roadways. This could result in longer commute times, increased fuel consumption, and decreased accessibility.
- **Deteriorated Air Quality and Environmental Impacts:** The rise in VMT would likely lead to a corresponding increase in vehicle emissions, contributing to air pollution and hindering the region's efforts to achieve air quality standards and reduce greenhouse gas emissions.
- **Diminished Quality of Life:** Increased traffic congestion and its associated impacts can negatively affect residents' quality of life, leading to frustration, stress, and reduced economic opportunities.

The potential traffic congestion consequences of the "No Project" option underscore the need for proactive mitigation strategies. Even with the 9% density reduction left in place, the WCP's potential to stimulate development highlights the importance of providing alternative transportation options to manage the anticipated growth in Winchester.

Project Option

The "Project" option encompasses the removal of the 9% residential density reduction, which is expected to stimulate substantial development in Winchester. In conjunction with this, the project proposes the construction of a Metrolink Station and Park and Ride facility to proactively address the anticipated increase in traffic congestion and associated environmental impacts. The adoption of the WPA, even under this scenario, could lead to additional development and traffic generation within that specific area. However, the Metrolink project is strategically positioned to mitigate these impacts and promote sustainable transportation options.

The CUD model estimates an annual VMT increase of 354,426,695 under the 'Project' option, considering the impact of the Winchester Policy Area and the removal of the 9% density reduction. However, the implementation of the Metrolink Station and Park and Ride is expected to reduce VMT by providing a convenient and efficient transit alternative. The estimated VMT reduction ranges from 539,375 to 3,958,950 annually as determined by the Fee Calculation Methodology (See page 26).

The "Project" option, despite the potential increase in VMT due to the removal of the 9% density reduction, offers several positive outcomes:

- **Significant VMT Reduction:** The Metrolink project's estimated VMT reduction substantially offsets the increased VMT associated with the anticipated development, resulting in a net decrease compared to the "No Project" option.
- **Improved Traffic Flow and Reduced Congestion:** By encouraging a shift towards public transit, the project can alleviate traffic congestion on major roadways like I-215, leading to improved travel times and reduced delays.
- **Enhanced Air Quality and Environmental Sustainability:** The decrease in VMT translates to reduced vehicle emissions, contributing to improved air quality and a healthier environment. The project aligns with the County's broader environmental goals and supports efforts to combat climate change.
- **Increased Accessibility and Mobility:** The Metrolink station will provide residents with greater access to employment centers, educational institutions, and other key destinations, enhancing overall mobility and reducing reliance on personal vehicles. This is particularly important given the current high rate of drive-alone trips and lengthy commute times.
- **Economic Development and Job Creation:** Improved transit connectivity can attract businesses, stimulate investment, and create job opportunities, fostering economic growth and vitality in the Winchester area, making the area more attractive to businesses seeking employees who value convenient access to public transportation.

The "Project" option, encompassing the removal of the 9% density reduction and the construction of the Metrolink Station and Park and Ride, presents a proactive and sustainable approach to managing the anticipated growth in Winchester. Despite the potential for increased development and traffic due to the WPA, the project's benefits in mitigating traffic congestion, improving air quality, and promoting economic development outweigh the potential challenges.

CEQA Considerations

The proposed Winchester Community Plan project is subject to environmental review under the California Environmental Quality Act (CEQA). An Environmental Impact Report (EIR) has been prepared to assess the potential environmental effects of the project, as detailed in the Executive Summary (July 2022). The project encompasses two key components: the removal of the 9% residential density reduction and the establishment of a Metrolink Station and Park and Ride.

The EIR identifies several potential impacts associated with the project, some of which are considered significant and unavoidable even with the implementation of mitigation measures.

These significant and unavoidable impacts include:

- Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use
- Conflict with existing zoning for agricultural use or a Williamson Act Contract
- Conflict with or obstruction of the implementation of the applicable air quality plan
- Cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard
- Exposure of sensitive receptors to substantial pollutant concentrations
- Generation of greenhouse gas emissions that may have a significant impact on the environment
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases
- Significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect
- Generation of a substantial temporary or permanent increase in ambient noise levels

- Conflict or inconsistency with CEQA Guidelines section 15064.3, subdivision (b) relating to vehicle miles traveled (VMT)

To address these and other potential impacts, a Mitigation Monitoring and Reporting Program (MMRP) has been developed. The MMRP outlines specific measures designed to minimize or mitigate the project's adverse effects. Some of these measures include:

- Requiring project-specific air emissions analyses to identify and mitigate potential long-term operational-related air quality impacts
- Implementing dust control measures during construction, such as watering active sites, covering trucks hauling loose materials, and reducing traffic speeds on unpaved roads
- Maintaining minimum distances between potentially incompatible land uses to reduce exposure to substantial pollutant concentrations

The nexus study, as required by CEQA for projects with potential transportation impacts, serves a critical function in establishing a clear and quantifiable connection between the project's anticipated growth and the need for the Metrolink Station and Park and Ride. By evaluating the project's potential to reduce VMT and mitigate traffic congestion, the nexus study provides crucial evidence to support the project's justification and demonstrate its compliance with the County's environmental and transportation goals.

Key Metrics: Vehicle Trips and VMT

Two key metrics will be used to assess the transportation impacts and the project's effectiveness in mitigating them:

- **Vehicle Trips:** This metric represents the number of trips undertaken in an automobile, including single-occupancy vehicles and vehicles with multiple occupants (carpools, taxis, ride-shares). A reduction in vehicle trips indicates a decreased reliance on automobiles and a potential shift towards other modes of transportation, contributing to the State's goals of reducing greenhouse gas (GHG) emissions as mandated by AB 32 and SB 375.
- **Vehicle Miles Traveled (VMT):** This metric measures the total miles traveled by all vehicles (cars, trucks, buses) in the study area. VMT provides a more comprehensive understanding of a vehicle's impact on the transportation system as it considers both the number of trips and the distance traveled. Reducing VMT is a key objective in achieving the State's GHG reduction goals and promoting sustainable transportation.

VMT is the primary performance metric used to establish the nexus between new development and the need for transportation improvements. It reflects the relationship between single-auto trips and travel by non-vehicular modes or high-occupancy vehicles. Consequently, the nexus for the proposed development impact fee will be based on "VMT" and "VMT per capita" as key performance measures.

By employing this methodology and focusing on these key metrics, the nexus study will provide a comprehensive and legally defensible analysis to justify the development impact fee and support the implementation of the Metrolink Station and Park and Ride project in Winchester.

A comparison of the proposed VMT approach to calculating mobility fees to the more traditional method, such as measures of vehicle delay time, is described in [Table 7, *Comparison of Nexus Fee Methodologies*](#), below.

Table 7: Comparison of Nexus Fee Methodologies

Metrics	Traditional Nexus	Winchester VMT Nexus
Existing Deficiencies	Existing Traffic Congestion & Air Quality Issues	Existing Traffic Congestion & Air Quality Issues
Performance Measures	Level of Service (LOS)	Vehicle Miles Traveled (VMT) per Capita
Threshold	Maintain LOS Standard (e.g., LOS D)	Decrease VMT per capita compared to No Project Scenario
Goal	Move more cars & reduce vehicular travel delay	Reduce automobile trips & VMT, improve air quality
Pros	Familiar & easily understood	Directly relates to air quality & GHG reduction goals
Cons	Auto-centric, doesn't address multi-modal needs	Requires robust data & modeling for accurate VMT estimation
Fee	Fee per peak hour vehicle-trip	Fee per unit of development ⁶ (based on VMT contribution)

VMT Benefits

The proposed Metrolink Station and Park and Ride project is anticipated to yield substantial VMT reduction benefits, enhancing accessibility and promoting multi-modal travel options for Winchester residents. While a comprehensive travel demand model analysis is not feasible within the current project timeline, the project's potential to decrease VMT per capita and alleviate traffic congestion is evident.

Transit Projects and VMT Reduction

The Metrolink Station and Park and Ride project, as a transit-oriented development, is inherently designed to reduce VMT by providing a convenient and efficient alternative to personal vehicles. The project's efficacy in achieving this goal will be evaluated through a combination of trip-based analysis and conceptual model-based VMT analysis, as detailed in the methodology section.

The trip-based analysis will estimate the proportion of trips generated by the new development that are likely to shift to the Metrolink station, considering factors such as travel time, cost, convenience, and accessibility. This analysis will provide a realistic estimate of potential Metrolink ridership and the associated VMT reduction.

While a full-fledged model-based VMT analysis is not possible at this time, the study will leverage available data and insights from other studies, such as the RCTC's "Next Generation Rail Corridors Analysis" and the Perris Valley Line Growth Study, to conceptually estimate the project's VMT reduction potential. These estimates will be further refined as more data becomes available and as the project progresses.

Beyond VMT Reduction

In addition to VMT reduction, the Metrolink Station and Park and Ride project is expected to yield other benefits, including:

- **Improved Accessibility:** Enhanced access to employment centers, educational institutions, and other key destinations, particularly for those without personal vehicles or who prefer not to drive.
- **Mode-Share Shift:** Encouraging a shift away from single-occupancy vehicles towards public transit, contributing to a more balanced and sustainable transportation system.

⁶ Unit of development is 1 square foot of dwelling unit area.

- **Safety Improvements:** Potentially reducing traffic accidents and improving pedestrian and bicycle safety by providing alternative transportation options.
- **Air Quality Benefits:** Reduced vehicle emissions leading to improved air quality and public health.
- **Economic Development:** Attracting businesses and investments due to improved transit connectivity.

Impact Fee Calculation

The impact fee calculation aims to determine the appropriate financial contribution from new development to mitigate its anticipated transportation impacts and support the funding of the Metrolink Station and Park and Ride project. The fee will be structured to be proportionate to the square footage of the residential units, ensuring compliance with Assembly Bill 602. This means the resulting fee would be applied on a per square-foot basis. Given the constraints of the project timeline and the unavailability of a formal travel demand model, a simplified approach will be employed, leveraging existing data and reasonable assumptions. The primary focus is the direct impact of new residential dwelling units on VMT.

Growth Forecasts

The projected increase in dwelling units due to the removal of the 9% residential density reduction serves as the foundation for estimating the additional traffic generated by new development. The environmental analysis estimates an increase of approximately 12,329 new dwelling units. However, this estimate will be refined and validated through a thorough review of the Winchester Community Plan and other relevant planning documents. The proportion of Single-Family Residences (SFRs) and Multi-Family Residences (MFRs) within the WCP, along with their average square footage, is necessary in determining the overall VMT impact and the per-square-foot fee. This study assumes 70% SFR/ADU development and 30% MFR development, consistent with the WCP. Assumptions for average size of units in this study are 1,908 sq ft for SFRs, 1,629 sq ft for MFRs and 750 sq ft for AUDs.

VMT Impact of New Development

The increase in dwelling units is expected to lead to a substantial rise in VMT, contributing to traffic congestion and associated environmental impacts. The methodology emphasizes the direct link between new dwellings and VMT, utilizing trip generation rates specific to SFRs and MFRs. Based on available data and assumptions, the preliminary analysis estimates an annual VMT increase of 354,426,695 based on the projected increase in blended SFR and MFR dwelling units, trip generation rates of 9.64 SFR and 4.32 MFR daily trips per dwelling unit, and an average trip length of 10 miles.

While this estimate provides a useful starting point, it's important to acknowledge its limitations. The absence of a formal VMT model precludes a more precise quantification of the VMT impact, considering factors such as trip distribution, mode choice, and the potential influence of the Highway 79 Area Plan. The study will explore opportunities to refine this estimate using available data and insights from other relevant studies, such as the RCTC's "Next Generation Rail Corridors Analysis" and the Perris Valley Line Growth Study.

Cost Allocation and Fee Calculation

The proposed Metrolink Station and Park and Ride project represents a significant investment in mitigating the traffic impacts of the anticipated growth in Winchester. The estimated capital cost of the project is \$41 million.

To ensure that new development contributes its fair share towards the project's cost, a development impact fee will be calculated based on the estimated VMT impact of new dwelling units. The fee will be structured to be proportionate to the square footage of the residential units, in compliance with Assembly Bill 602.

The impact fee calculation employs a simplified approach, leveraging the CUD model to estimate the increase in VMT due to the removal of the 9% residential density reduction. This model emphasizes the direct relationship between new dwelling units and VMT, utilizing trip generation rates specific to SFRs and MFRs.

Based on the projected increase in dwelling units, trip generation rates, and average trip lengths, the preliminary analysis estimates an annual VMT increase of 354,426,695. To ensure new residential development contributes equitably to mitigating its traffic impacts, a development impact fee will be calculated based on this estimated VMT impact. The fee is structured on a per-square-foot basis, acknowledging the variation in VMT generation based on dwelling unit size.

The analysis within this study results in a conceptual transit impact fee of \$0.0535 for SFRs, \$0.0515 for MFRs and \$0.0119 for ADUs per VMT. Based on these calculations and assuming average square footages of 1,908 sq ft for SFRs, 1,629 sq ft for MFRs and 750 sq ft for ADUs, this translates to a mobility fee of \$0.96 per square foot for single-family dwelling units, \$0.50 per square foot for multi-family dwelling units and \$0.28 per square foot for accessory dwelling units.

Table 8: Mobility Fee Per Unit By Land Use Category

Land Use Category	Unit ¹	Daily Trip Rate ²	% New Trips ³	Trip Length (miles)	VMT Factor ⁴	Mobility Fee per Square Foot ⁵
Single-Family	DU	9.4	100%	10	1	\$0.96
Multi-Family	DU	4.32	100%	10	1	\$0.50
ADU (>= 750 SF)	DU	4.82	100%	10	1	\$0.28

1. Units = Dwelling Units (DU)
2. The PM peak hour trip rate per DU is assumed to be 10% of the daily trip generation rate, as no specific PM peak hour data is available.
3. All new residential developments are assumed to generate 100% new trips.
4. The VMT Factor is assumed to be 1.00 for all residential categories, as no data is available on trip lengths for different land use types in Winchester. This implies they have an average trip length compared to other land uses.
5. The VMT per square foot for a 1,908 sq ft SFR is 0.0535. The VMT per square foot for a 1,629 sq ft MFR is 0.0515. The VMT per square foot for a 750 sq ft ADUs is 0.0119.

Fee Calculation Methodology

The document provides a preliminary estimation of the transit impact fee. It uses the following calculations to arrive at the fee per dwelling unit:

Estimate the Increase in VMT due to Density Reduction Removal

- Projected Increase in Dwelling Units: 12,329 units
- Average Household Size (persons per household): 3.51 persons per household
- Population Increase: 12,329 units * 3.51 persons/unit = 43,275 people
- Trip Generation Rate (Single-Family): 9.4 daily trips per dwelling unit
- Trip Generation Rate (Multi-Family): 4.32 daily trips per dwelling unit
- Average Trip Length: 10 miles
- Additional Daily Trips (Single-Family): 0.70 * 12,329 units * 9.4 trips/unit = 81,125 trips
- Additional Daily Trips (Multi-Family): 0.30 * 12,329 units * 4.32 trips/unit = 15,978 trips
- Increase in Daily VMT (Single-Family): 81,125 trips * 10 miles/trip = 811,250 VMT
- Increase in Daily VMT (Multi-Family): 15,978 trips * 10 miles/trip = 159,784 VMT
- Total Annual VMT Increase: (811,250 + 159,784) daily VMT * 365 days/year = 354,426,695 VMT

Estimate the VMT Reduction Potential of the Transit Project

- Ridership Projections: 295 to 2,166 daily riders
- Average Trip Length Reduction: 5 miles reduction per transit trip
- Daily VMT Reduction (Low Estimate): 295 riders * 5 miles/rider = 1,475 VMT

- Daily VMT Reduction (High Estimate): 2,166 riders * 5 miles/rider = 10,830 VMT
- Annual VMT Reduction (Low Estimate): 1,475 daily VMT * 365 days/year = 539,375 VMT
- Annual VMT Reduction (High Estimate): 10,830 daily VMT * 365 days/year = 3,958,950 VMT

Calculate the Net VMT Impact

- Net Annual VMT Impact (Low Estimate): 354,426,695 VMT (increase) - 539,375 VMT (reduction) = 353,887,320 VMT
- Net Annual VMT Impact (High Estimate): 354,426,695 VMT (increase) - 3,958,950 VMT (reduction) = 350,467,745 VMT

Estimate the Cost of the Transit Project

- Capital Costs: \$41 million
- Total Project Cost: \$41 million (capital)

Rationale for Mobility Fee Selection

The mobility fees presented in this analysis are based on a simplified VMT estimation methodology, utilizing readily available data and established trip generation rates. Due to the inherent uncertainty in projecting future travel patterns and the potential VMT reduction attributable to the transit project, the initial analysis yielded a range of potential mobility fees for each dwelling type.

To ensure clarity and facilitate implementation, a single, definitive fee was selected for each dwelling type. The mobility fee for Accessory Dwelling Units (ADUs) is calculated on a per-square-foot basis, using the minimum qualifying size of 750 square feet as a benchmark and assuming that ADUs generate half the trips compared to single-family and multi-family dwellings. The chosen fee represents the average of the low and high estimates, balancing the potential overestimation and underestimation of the VMT impact. This approach provides a reasonable and justifiable fee structure that reflects the anticipated transportation impacts of the proposed development while acknowledging the inherent variability in the analysis.

It is important to recognize that the selected fees are based on current data and assumptions. As the project progresses and more information becomes available, the VMT analysis may be refined using a formal travel demand model, if feasible. This could lead to adjustments in the mobility fees to ensure they remain aligned with the actual transportation impacts of the development. The fee structure should be periodically reviewed and updated as needed to maintain its nexus with the cost of mitigating the project's transportation impacts.

Conclusion

Based on the simplified calculation, the estimated increase in annual VMT due to the density reduction removal ranges from 350,467,745 to 353,887,320 VMT. The resulting mobility fee for a single-family dwelling unit is \$0.96 per square foot. The fee for a multi-family dwelling unit is \$0.50 per square foot and \$0.28 per square foot for an Accessory Dwelling Unit (ADU).

The proposed Metrolink Station and Park and Ride project aligns with the County's goals of sustainable growth, improved air quality, and economic development. It represents a proactive and sustainable approach to managing the anticipated growth in Winchester, offering a multitude of benefits beyond just VMT reduction. By providing a reliable and accessible transit option, the project will enhance the community's overall quality of life and ensure a vibrant future for Winchester.

Section 3. Existing and Future Development Projections

3.1 Land Use Categories

The project area is located in unincorporated southwest Riverside County and is currently subject to the provisions of the Riverside County General Plan and Riverside County Zoning Ordinance Number 348 (Ordinance No. 348). Based on the existing General Plan, existing land uses within the project area include both residential and non-residential uses, including commercial, agriculture, open space, and public facility land use designations.

3.1.1 Residential Uses

The HVWAP outlines the development intensity, density, typical allowable land uses, and general characteristics for each of the area plan land use designations for residential uses, which are shown in [Table 9, *Land Use Designations Summary for Residential Uses*](#).

Table 9: Land Use Designations Summary for Residential Uses

Area Plan Land Use Designation	Building Intensity Range (du/ac or FAR) ^{1,2,3,4}	Notes
Agriculture (AG)	10 ac min.	<ul style="list-style-type: none"> Agricultural land including row crops, groves, nurseries, dairies, poultry farms, processing plants, and other related uses. One single-family residence allowed per 10 acres except as otherwise specified by a policy or an overlay.
Rural Residential (RR)	5 ac min.	<ul style="list-style-type: none"> Single-family residences with a minimum lot size of 5 acres. Allows limited animal keeping and agricultural uses, recreational uses, compatible resource development (not including the commercial extraction of mineral resources) and associated uses and governmental uses.
Rural Mountainous (RM)	10 ac min.	<ul style="list-style-type: none"> Single-family residential uses with minimum lot size of 10 acres. Areas of at least 10 acres where a minimum of 70% of the area has slopes of 25% or greater. Allows limited animal keeping, agriculture, recreational uses, compatible resource development (which may include the commercial extraction of mineral resources with approval of a SMP) and associated uses and governmental uses.
Rural Desert (RD)	10 ac min.	<ul style="list-style-type: none"> Single-family residential uses with a minimum lot size of 10 acres. Allows limited animal keeping, agriculture, recreational, renewable energy uses including solar, geothermal and wind energy uses, as well as associated uses required to develop and operate these renewable energy sources, compatible resource development (which may include the commercial extraction of mineral resources with approval of SMP), and governmental and utility uses
Estate Density Residential (RC-EDR)	2 ac min.	<ul style="list-style-type: none"> Single-family detached residences on large parcels of 2 to 5 acres. Limited agriculture, intensive equestrian and animal keeping uses are expected and encouraged.

Very Low Density Residential (RC-VLDR)	1 ac min.	<ul style="list-style-type: none"> • Single-family detached residences on large parcels of 1 to 2 acres. • Limited agriculture, intensive equestrian and animal keeping uses are expected and encouraged.
Low Density Residential (RC-LDR)	0.5 ac min.	<ul style="list-style-type: none"> • Single-family detached residences on large parcels of 0.5 to 1 acre. • Limited agriculture, intensive equestrian and animal keeping uses are expected and encouraged.
Rural (RUR)	20 ac min.	<ul style="list-style-type: none"> • One single-family residence allowed per 20 acres. • Extraction of mineral resources subject to SMP may be permissible provided that scenic resources and views are protected.
Estate Density Residential (EDR)	2 ac min.	<ul style="list-style-type: none"> • Single-family detached residences on large parcels of 2 to 5 acres. • Limited agriculture and animal keeping is permitted, however, intensive animal keeping is discouraged.
Very Low Density Residential (VLDR)	1 ac min.	<ul style="list-style-type: none"> • Single-family detached residences on large parcels of 1 to 2 acres. • Limited agriculture and animal keeping is permitted, however, intensive animal keeping is discouraged.
Low Density Residential (LDR)	0.5 ac min.	<ul style="list-style-type: none"> • Single-family detached residences on large parcels of 0.5 to 1 acre. • Limited agriculture and animal keeping is permitted, however, intensive animal keeping is discouraged.
Medium Density Residential (MDR)	2 - 5 du/ac	<ul style="list-style-type: none"> • Single-family detached and attached residences with a density range of 2 to 5 dwelling units per acre. • Limited agriculture and animal keeping is permitted, however, intensive animal keeping is discouraged. • Lot sizes range from 5,500 to 20,000 sq. ft., typical 7,200 sq. ft. lots allowed.
Medium High Density Residential (MHDR)	5 - 8 du/ac	<ul style="list-style-type: none"> • Single-family attached and detached residences with a density range of 5 to 8 dwelling units per acre. • Lot sizes range from 4,000 to 6,500 sq. ft.
High Density Residential (HDR)	8 - 14 du/ac	<ul style="list-style-type: none"> • Single-family attached and detached residences, including townhouses, stacked
Very High Density Residential (VHDR)	14 - 20 du/ac	<ul style="list-style-type: none"> • Single-family attached residences and multi-family dwellings
Highest Density Residential (HHDR)	14 - 40 du/ac	<ul style="list-style-type: none"> • Multi-family dwellings, includes apartments and condominiums.
Community Center (CC)	5 - 40 du/ac 0.10 - 0.3 FAR	<ul style="list-style-type: none"> • Includes combination of small-lot single family residences, multi-family residences, commercial retail, office, business park uses, civic uses, transit facilities, and recreational open space within a unified planned development area. This also includes Community Centers in adopted specific plans.

Source: Riverside County General Plan Harvest Valley/Winchester Area Plan, September 28, 2021, Table 1: Land Use Designations Summary.

Notes:

1 = FAR = Floor Area Ratio, which is the measurement of the amount of non-residential building square footage in relation to the size of the lot.
 Du/ac = dwelling units per acre, which is the measurement of the amount of residential units in a given acre.

2 = The building intensity range noted is exclusive, that is the range noted provides a minimum and maximum building intensity.

3 = Clustering is encouraged in all residential designations. The allowable density of a particular land use designation may be clustered in one portion of the site in smaller lots, as long as the ratio of dwelling units/area remains within the allowable density range associated with the designation. The rest of the site would then be preserved as open space or a use compatible with open space (e.g., agriculture, pasture or wildlife habitat). Within the Rural Foundation Component and Rural Designation of the Open Space Foundation Component, the allowable density may be clustered as long as no lot is smaller than 0.5 acre. This 0.5-acre minimum lot size also applies to the Rural Community Development Foundation Component. However, for sites adjacent to Community Development Foundation Component areas, 10,000 square foot minimum

lots are allowed. The clustered areas would be a mix of 10,000-square-foot and 0.5-acre lots. In such cases, larger lots or open space would be required near the project boundary with Rural Community and Rural Foundation Component areas.

4 = The minimum lot size required for each permanent structure with plumbing fixtures utilizing an onsite wastewater treatment system to handle its wastewater is 0.5 acre per structure.

HHDR was updated to 14 - 40 du/ac to be consistent with Housing Element 2021-2029 (09/28/21)

3.1.2 Non-Residential Uses

The HVWAP outlines the development intensity, density, typical allowable land uses, and general characteristics for each of the area plan land use designations for non-residential uses, comprised of commercial (retail, office) and industrial uses, which are shown in [Table 10, Land Use Designations Summary for Non-Residential Uses](#).

Table 10: Land Use Designations Summary for Non-Residential Uses

Area Plan Land Use Designation	Building Intensity Range (du/ac or FAR) ^{1,2,3,4}	Notes
Commercial Retail (CR)	0.20 - 0.35 FAR	<ul style="list-style-type: none"> Local and regional serving retail and service uses. The amount of land designated for Commercial Retail exceeds that amount anticipated to be necessary to serve Riverside County's population at build out. Once build out of Commercial Retail reaches the 40% level within any Area Plan, additional studies will be required before CR development beyond the 40 % will be permitted.
Commercial Tourist (CT)	0.20 - 0.35 FAR	<ul style="list-style-type: none"> Tourist related commercial including hotels, golf courses, and recreation/amusement activities
Commercial Office (CO)	0.35 - 1.0 FAR	<ul style="list-style-type: none"> Variety of office related uses including financial, legal, insurance and other office
Light Industrial (LI)	0.25 - 0.60 FAR	<ul style="list-style-type: none"> Industrial and related uses including warehousing/distribution, assembly and light manufacturing, repair facilities, and supporting retail uses.
Heavy Industrial (HI)	0.15 - 0.50 FAR	<ul style="list-style-type: none"> More intense industrial activities that generate greater effects such as excessive noise, dust, and other nuisances.
Business Park (BP)	0.25 - 0.60 FAR	<ul style="list-style-type: none"> Employee intensive uses, including research and development, technology centers, corporate offices, clean industry and supporting retail uses.
Public Facilities (PF)	< 0.60 FAR	<ul style="list-style-type: none"> Civic uses such as County of Riverside administrative buildings and schools.
Community Center (CC)	5 - 40 du/ac 0.10 - 0.3 FAR	<ul style="list-style-type: none"> Includes combination of small-lot single family residences, multi-family residences, commercial retail, office, business park uses, civic uses, transit facilities, and recreational open space within a unified planned development area. This also includes Community Centers in adopted specific plans.
Mixed Use Area		<ul style="list-style-type: none"> This designation is applied to areas outside of Community Centers. The intent of the designation is not to identify a particular mixture or intensity of land uses, but to designate areas where a mixture of residential, commercial, office, entertainment, educational, and/or recreational uses, or other uses is planned.

Source: Riverside County General Plan Harvest Valley/Winchester Area Plan, September 28, 2021, Table 1: Land Use Designations Summary.

Notes:

1 = FAR = Floor Area Ratio, which is the measurement of the amount of non-residential building square footage in relation to the size of the lot.

Du/ac = dwelling units per acre, which is the measurement of the amount of residential units in a given acre.

3 = The building intensity range noted is exclusive, that is the range noted provides a minimum and maximum building intensity.

3 = Clustering is encouraged in all residential designations. The allowable density of a particular land use designation may be clustered in one portion of the site in smaller lots, as long as the ratio of dwelling units/area remains within the allowable density range associated with the designation. The rest of the site would then be preserved as open space or a use compatible with open space (e.g., agriculture, pasture or wildlife habitat). Within the Rural Foundation Component and Rural Designation of the Open Space Foundation Component, the allowable density may be clustered as long as no lot is smaller than 0.5 acre. This 0.5-acre minimum lot size also applies to the Rural Community Development Foundation Component. However, for sites adjacent to Community Development Foundation Component areas, 10,000 square foot minimum lots are allowed. The clustered areas would be a mix of 10,000-square-foot and 0.5-acre lots. In such cases, larger lots or open space would be required near the project boundary with Rural Community and Rural Foundation Component areas.

4 = The minimum lot size required for each permanent structure with plumbing fixtures utilizing an onsite wastewater treatment system to handle its wastewater is 0.5 acre per structure.

HHDR was updated to 14 - 40 du/ac to be consistent with Housing Element 2021-2029 (09/28/21)

3.2 Existing Development

Based on [Section 3.0, Project Description](#), of the EIR, the northern portion of the project area primarily consists of vacant undeveloped parcels and agricultural uses except for limited residential and commercial uses which are generally located along SR-79 and SR-74. The southern portion of the project area generally supports similar development as the northern portion of the project area but contains a larger concentration of residential uses as well as the French Valley Airport.

As discussed above, the Winchester CDP area and population are smaller than the area and population of the overall Winchester Policy Area. However, the Winchester CDP residents will be the primary users and growth area for the proposed transit facilities. Therefore, census data regarding existing development for both the Winchester Area Plan overall and the Winchester CDP (where available) are discussed below.

3.2.1 Existing Residential Uses

In the Winchester Area Plan, as discussed in [Section 3.0, Project Description](#), of the EIR, there are a total of 29,278 existing residential units, comprised of both single- and multi-family units.

In the Winchester CDP area, based on the current census data (2022) and as discussed in [Section 2.3.2, Demographic Data for the Geographic Area](#), above, there are a total of 2,917 residents and 915 housing units. Of these, 832 (90.9%) are occupied and 83 (9.1%) are vacant. The composition of the housing in the Winchester CDP area is comprised of 547 1-unit detached (single-family) units (59.8%); 281 mobile homes (30.7%); and 87 boats/RVs/vans/etc. (9.5%).

3.2.2 Existing Non-Residential Uses

In the Winchester Area Plan overall, as discussed in [Section 3.0, Project Description](#), of the EIR, there is a total of 34,168,402 square feet of existing non-residential uses, comprised of commercial (retail, office) and industrial uses. Examples of non-residential businesses in the area include a landscape supply company; feed store; moving truck company; gas stations; restaurants; general stores; and public facilities including a school and fire station. As stated in the HVWAP, the community of Winchester is characterized by a small Western-themed commercial core at the intersection of Winchester Road (SR-79) and Simpson Road.

3.2.3 Existing VMT

As shown in [Table 1, Project VMT Impact Evaluation – Efficiency Metrics](#), of this Nexus Study, the following data demonstrates the VMT data for existing conditions for the Winchester Policy Area:

- Residential VMT/Capita = 25.13 (Riverside County Threshold = 15.19)
- Employment-Based VMT/Employee = 14.14 (Riverside County Threshold = 14.24)

3.3 Future Development

Future development data is discussed in [Section 3.0, Project Description](#), of the EIR. The tables below provide the data from the EIR for the project area for the existing residential and non-residential uses, as well as VMT and service population data.

3.3.1 Proposed Land Use Changes

The project includes Foundation Component (FC) and Entitlement/Policy General Plan Amendments. The County's General Plan includes five broad foundation component land uses (Agriculture, Rural, Rural Community, Open Space and Community Development) which include more detailed land use designations at the area plan level. A FC amendment is required in a variety of scenarios including when a project proposes an amendment from a Rural component to the Community Development component. An Entitlement/Policy amendment is typically required when an amendment involves changes in land use designations or policies that involve land located entirely within a particular FC but that do not change the boundaries of that component.

The FC and Entitlement/Policy amendments included with this project are located in the northeastern portion of the Winchester Policy Area, generally between Simpson Road and Stetson Avenue, and between Double Butte and California Avenue, and in the southwestern portion of the community, between Scott and Wickerd Roads, and between Leon and Abbott Roads. The proposed amendments would involve 227 parcels totaling approximately 1,480 gross acres. The proposed amendment would change FC from Rural (R) and Rural Community (RC) to Community Development (CD) and amend the accompanying land use designations from Rural Residential (RR) and Estate Density Residential (EDR) to Low Density Residential (LDR), Medium Density residential (MDR), Commercial Retail (CR), Business Park (BP), and Light Industrial (LI). Within the project area, the change between the existing Riverside County General Plan development potential and the project's development potential, as analyzed in this Programmatic EIR, is presented in [Table 11, Proposed General Plan Land Use Changes](#).

Table 11: Proposed General Plan Land Use Changes

Land Use Designation	Acreage		
	Existing	Proposed	Change
Agricultural Foundation Component			
Agriculture (AG)	80	80	0
Rural Foundation Component			
Rural Residential (RR)	1,173	603	-570
Rural Mountainous (RM)	1,622	1,590	-32
Rural Community Foundation Component			
Rural Community - EDR (RC-EDR)	1,424	165	-1,259
Rural Community - LDR (RC-LDR)	0	421	421
Open Space Foundation Component			
Conservation (OS-C)	987	1,043	56
Conservation Habitat (OS-CH)	3,000	3,015	15
Water (OS-W)	2,705	2,705	0
Open Space Recreation (OS-R)	1,617	1,608	-11
Community Development Foundation Component			
Estate Density Residential (EDR)	741	741	0

Very Low Density Residential (VLDR)	314	182	-132
Low Density Residential (LDR)	500	388	-112
Medium Density Residential (MDR)	4,404	4,539	135
Medium-High Density Residential (MHDR)	456	725	269
High Density Residential (HDR)	164	164	0
Very High Density Residential (VHDR)	30	30	0
Highest Density Residential (HHDR)	33	33	0
Commercial Retail (CR)	504	395	-109
Commercial Tourist (CT)	496	592	96
Light Industrial (LI)	288	467	179
Business Park (BP)	152	682	530
Public Facilities (PF)	1,656	1,579	-77
Mixed-Use Planning Area (MUA)	797	1,400	603
Total	23,143	23,143	--
Source: Winchester Community Plan Draft Program Environmental Impact Report, July 2022, Table 3-1.			
Note: Numbers may not add due to rounding.			

3.3.2 Development Potential

The proposed General Plan Land Use Designation changes and the removal of the 9% density reduction associated with the Highway 79 Policy Area would create additional development capacity than the existing General Plan. [Table 12, Project Development Potential](#), outlines the change the proposed project would result in related to increased non-residential square-footage, jobs, dwelling units, and population. As shown in [Table 12, Project Development Potential](#), the project would increase the number of proposed residential units from 59,141 to 71,470, resulting in an additional 12,329 units (a 21% increase) and a resultant population increase of about 39,350 residents. Conversely, the project would decrease the proposed intensity of non-residential development from 34,168,402 square feet to 26,638,737 square feet, a difference of 7,529,664 square feet (a 22% decrease).

As discussed in the project EIR, the project would remove the 9% density reduction within the Highway 79 Policy Area, and thereby, increase proposed residential densities. The HVWAP establishes land use designations for nine MUA (Mixed-Use Area) and one HHDR (Highest Density Residential) neighborhood areas located in and immediately adjacent to the historic core of Winchester. In addition, these MUA and HHDR neighborhood areas were also rezoned to the County’s new MU (Mixed-Use) and R-7 (Highest Density Residential) Zones, respectively. Together, these neighborhood areas provide the basis for the future development of a more intense, mixed-use, and vibrant and walkable core for Winchester.

Table 12: Project Development Potential

Type	Existing	Proposed	Change (Numeric)	Change (Percentage)
Winchester Policy Area				
Non-Residential (square footage (SF))	34,168,402	26,638,737	-7,529,664	-22%
Jobs ²	60,213	50,159	-10,055	-17%
Residential (dwelling units (DU))	29,278	39,028	+9,750	+33%
Population (persons) ³	83,441	111,230	+27,789	+33%
Highway 79 Policy Area (Excluding Winchester Policy Area)				

Non-Residential SF	N/A		0	0%
Jobs ²	N/A		0	0%
Residential DU	29,863	32,442	+2,579	+9%
Population (persons) ³	85,110	92,460	+7,350	+9%
Winchester Policy Area plus Highway 79 Policy Area (CEQA Project)				
Non-residential SF	34,168,402	26,638,737	-7,529,664	-22%
Jobs ²	60,213	50,159	-10,055	-17%
Residential DU	59,141	71,470	+12,329	+21%
Population (persons) ³	168,551	203,690	+35,139	+21%
Notes.				
1. Assumes development intensity per Riverside County General Plan EIR Appendix E-2.				
2. Jobs are derived based on Institute for Transportation Engineers (ITE) Trip Generation Manual, 10 th Edition employment factors.				
3. Population is derived based on the average persons per household, as averaged for the four Area Plans within the Project site; see Riverside County General Plan EIR Appendix E-2, Table E-2: Average Household Size by Area Plan.				

Section 4. Determination of Facility Standards

4.1 Demand Standard

4.1.1 Physical Measure of Facility Demand

As referenced in the Metrolink FY2023-24 Budget, the 91/Perris Valley Line has 1,192 average estimated weekday boardings. It is assumed that the proposed Winchester Station would experience similar demand.

4.1.2 Existing Demand

Currently, the Winchester area is served by the Riverside Transit Agency (RTA) bus system. In 2019, average daily boardings at the 5 bus stops closest to the proposed station location were approximately 200.

4.1.3 Future Demand

Future demand forecast for the proposed station reflects removal of the density reduction, forecasted new residential dwellings directly adjacent to the proposed station location and utilizes data from similar regional Metrolink Stations. Based on the average daily boardings at existing stations, it is estimated that the proposed station would generate approximately 100 boardings per dwelling unit.

4.1.4 Cost Standard

Based on the Metrolink Fiscal Year 2023-24 Adopted Budget, the total operating cost for the 91/Perris Valley Line is \$30,357,000. Dividing this cost by the 1,192 average daily boardings results in a cost per boarding of approximately \$100, assuming 250 workdays. It is assumed that the cost per boarding at the proposed Winchester Station would be similar.

4.1.5 Projected VMT Reduction

The following assumptions were used to calculate the reduction in VMT anticipated to occur with implementation of the Metrolink Station and Park and Ride. The results are also shown below and are based on the projected number of riders and the average trip length that would be shifted from car to transit. As shown below, the range of daily VMT reduction would be between 1,475 VMT and 10,830 VMT. The range in annual VMT reduction would be between 539,375 VMT and 3,958,950 VMT.

- Ridership Projections: 295 to 2,166 daily riders
- Average Trip Length Reduction: 5 miles reduction per transit trip
- Daily VMT Reduction (Low Estimate): 295 riders * 5 miles/rider = 1,475 VMT
- Daily VMT Reduction (High Estimate): 2,166 riders * 5 miles/rider = 10,830 VMT
- Annual VMT Reduction (Low Estimate): 1,475 daily VMT * 365 days/year = 539,375 VMT
- Annual VMT Reduction (High Estimate): 10,830 daily VMT * 365 days/year = 3,958,950 VMT
- Net Annual VMT Impact (Low Estimate): 433,963,100 VMT (increase) - 539,375 VMT (reduction) = 433,423,725 VMT
- Net Annual VMT Impact (High Estimate): 433,963,100 VMT (increase) - 3,958,950 VMT (reduction) = 430,004,150 VMT

4.2 Design Standard

4.2.1 Facility Design

The future design of the proposed Metrolink station will be primarily guided by the Winchester Community Design Guidelines once approved, ensuring that the station reflects the community's vision for high-quality development that integrates local architectural styles and sustainable practices. These guidelines focus on maintaining the character of Winchester while supporting modern infrastructure needs. In addition, the design will adhere to the SCRRA Design

Procedures Manual, which emphasizes compliance with safety regulations, ADA accessibility, and the standards set by the California Public Utilities Commission (CPUC) and Federal Railroad Administration (FRA). The service level at the planned station, including parking, will be determined based on projected needs and operational requirements, anticipated to be similar to other stations along the line.

The design of the proposed Park and Ride facility will be primarily guided by the Winchester Community Design Guidelines, ensuring that the project aligns with the community's vision for high-quality development that integrates local architectural styles and promotes sustainable practices. These guidelines aim to maintain the character of Winchester while addressing modern transportation infrastructure needs. The facility's capacity and service level, including parking provisions, will be based on anticipated demand identified through this study, ensuring the project meets the growing needs of commuters while enhancing connectivity and convenience for the community.

4.2.2 Facility Cost

The total estimated cost of construction of the Metrolink station and Park and Ride facilities is \$41,000,000, a breakdown of the total is shown below.

Metrolink Station: \$32,800,000

Park and Ride: \$4,400,000

10% Contingency: \$3,720,000

Total: \$41,000,000⁷

To aid in estimating the cost of the proposed facilities, the cost for the Metrolink Station is based in part on the cost of a similar, recent Metrolink station, the Vista Canyon Station in Santa Clarita (\$23.7 million). Similarly, the cost of the Park & Ride is based on a similar, recent project, the Temecula Park and Ride (\$3 million).

The California Construction Cost Index was utilized to adjust project costs to 2024 dollars. As such, these are estimates reflect facility costs in 2024. Costs may vary for a facility to be constructed in the future, therefore a 10% contingency has been added to the cost. Details of facility cost estimates is included in Appendix A.

⁷ Rounded to the nearest 1,000,000.

Section 5. Cost of Facilities to Serve New Development

5.1 Use of Fee Revenue

Fee revenue will be used exclusively for the construction of the Metrolink Station and Park and Ride.

5.2 Expenditure Plan

The County will collect the Mobility Fee as new construction is permitted. The County will incorporate the Metrolink and Park and Ride facilities into its 5-year Capital Improvement Plan (CIP) as an unfunded project to document the project description and budget while the fee is being collected. Once funding is identified through fees collected, grants, and other sources, the County will begin the project planning, environmental review, and preliminary engineering phases.

5.3 Existing Deficiencies

Impact fees generally fund infrastructure improvements necessitated by new development and are not intended to address pre-existing deficiencies. Within the Winchester area, the existing transportation infrastructure deficiencies include the need to repair and upgrade existing roadways, pedestrian pathways, and bicycle facilities to meet current standards or to accommodate existing traffic. Additionally, existing growth within Winchester has led to the need for additional crossings over the Salt Creek Channel. Gas tax and programs such as TUMF, DIF, RBBD, and CFDs are funding sources for current transportation infrastructure needs.

Section 6. Fair Share Allocation of Facility Costs to New Development

6.1 Need

The nexus, or connection, between the proposed Metrolink Station and Park and Ride and the anticipated growth in Winchester is multi-faceted. It addresses several key needs and impacts arising from the removal of the 9% residential density reduction:

- **Traffic Congestion and VMT Reduction:** The increase in population and housing units is projected to generate an increase in VMT, exacerbating existing traffic congestion on major roadways like I-215. The "Next Generation Rail Corridors Analysis" indicates that I-215 was already over capacity in 2012, and future projections show continued congestion. The Metrolink station, by offering a viable alternative to personal vehicles, can encourage a shift towards public transit, thereby reducing traffic volumes and mitigating congestion.
- **Air Quality Improvement:** The project EIR highlights significant and unavoidable air quality impacts associated with the project, primarily due to increased vehicle emissions. The Metrolink station can play a crucial role in mitigating these impacts by reducing VMT and promoting cleaner modes of transportation.
- **Meeting Housing Needs:** The 6th Cycle Housing Element Update reveals a pressing need for 40,647 new dwelling units in Riverside County. The project's facilitation of 12,329 new dwelling units directly contributes to addressing this need, establishing a clear nexus between the project and the County's housing goals.
- **Economic Development:** The Perris Valley Line Growth Study Market Assessment underscores the potential for the Metrolink station to stimulate economic development. Improved transit connectivity can attract businesses, create jobs, and enhance access to employment opportunities, further strengthening the project's justification.
- **Evaluation of Alternatives:** Section 7.0, *Alternatives to the Proposed Project*, of the EIR discusses a range of reasonable alternatives to the project, focusing on alternatives capable of avoiding or substantially lessening the project's significant environmental effects, even if the alternative would impede, to some degree, the attainment of the proposed project objectives, or would be more costly. The four following alternatives were included in the analysis:
 - Alternative A: No Project/Existing Land Use Alternative
 - Alternative B: No Highway-79 Policy Area Alternative
 - Alternative C: No Highway-79 Policy Area Alternative Outside Winchester Policy Area; and
 - Alternative D: No Foundation Component Change Alternative

The EIR concluded that Alternative A is the environmentally superior alternative. Alternative A is consistent with the existing County General Plan and would not change the existing policy documents that govern the project area. Given that utility providers base their long-term planning upon the adopted General Plan, Alternative A would result in proportionately fewer impacts concerning utilities and service systems than the rest of the alternatives. Alternative A would yield less of an impact or no impact on agriculture and forestry resources, biological resources, cultural resources, geology and soils, population and housing, public services, recreation, and utilities and services systems. However, Alternative A would not achieve most of the project's

objectives, as discussed in [Section 1.4, *Project Objectives*](#), of the EIR. Some of these objectives include the following, which the Metrolink Station and Park and Ride would help achieve:

- Create a sustainable multi-modal transportation network that includes walkable, bicycle-friendly environments with increased accessibility via transit, resulting in reduced transportation costs;
- Provide better access to fresh, healthy foods (as food and retail and farmers markets can be accessed on foot or through bike or transit); and
- Promote better job/housing balance.

The proposed Metrolink Station and Park and Ride is strategically positioned to address these multi-faceted needs and impacts. It aligns with the County's broader goals of promoting sustainable growth, improving air quality, meeting housing needs, and fostering economic development. By providing a reliable, efficient, and accessible transit option, the project will contribute to a more livable and vibrant Winchester community.

6.2 Benefit

The new facilities will directly benefit future residents and employees by providing convenient access to the Metrolink system for commuting, shopping, and other activities. This will improve their quality of life, reduce their reliance on personal vehicles, and is projected to reduce VMT. As discussed in [Section 4.1.4, *Projected VMT Reduction*](#), the range of daily VMT reduction would be between 1,475 VMT and 10,830 VMT. The range in annual VMT reduction would be between 539,375 VMT and 3,958,950 VMT.

6.3 Proportionality

The projected new boardings for each land use category were determined using the CUD model, which estimates the VMT impact of new development. The fee amount was calculated based on the projected VMT impact of each development type, as determined by the CUD model, ensuring proportionality to the burden each development type places on the transportation system.

Section 7. Maximum Fee Based on Nexus Analysis

7.1 Maximum Fee

The maximum fee calculation employs a simplified approach, leveraging the Capacity Utilization and Demand (CUD) model to estimate the increase in Vehicle Miles Traveled (VMT) due to the removal of the 9% residential density reduction. This model emphasizes the direct relationship between new dwelling units and VMT, utilizing trip generation rates specific to Single-Family Residences (SFRs) and Multi-Family Residences (MFRs). The CUD model enhances the accuracy and granularity of the VMT impact assessment by considering the unique characteristics and travel patterns of different housing types.

Based on the projected increase in dwelling units, trip generation rates, and an average trip length of 10 miles (consistent with the CUD Methodology's estimated range for the region), the preliminary analysis estimates an annual VMT increase of 354,426,695. To ensure new residential development contributes equitably to mitigating its traffic impacts, a development impact fee will be calculated based on this estimated VMT impact. The fee will be structured on a per-square-foot basis, acknowledging the variation in VMT generation based on dwelling unit size.

Analysis, incorporating insights from the CUD Methodology and utilizing updated average household size and trip generation rates, suggests a conceptual transit impact fee of \$0.0535 for SFRs, \$0.0515 for MFRs, and \$0.0119 for ADUs per VMT. Based on these calculations and assuming average square footages of 1,908 sq ft for SFRs, 1,629 sq ft for MFRs, and 750 sq ft for ADUs, this translates to a mobility fee of approximately:

- Single-Family Residential: \$0.96 per square foot
- Multi-Family Residential: \$0.50 per square foot
- Accessory Dwelling Units (ADUs): \$0.28 per square foot

7.2 Fee Basis

In accordance with Assembly Bill 602, which mandates that development impact fees for transit facilities be calculated on a per-square-foot basis for residential development, the fee will be levied per square foot of dwelling unit for residential development. This approach ensures that the fee reflects the actual demand placed on the transit facilities by each type of development, considering their varying sizes and associated VMT generation.

The CUD methodology, which informed the VMT impact estimation and fee calculation in this Nexus Study, further supports the per-square-foot fee basis. It recognizes that larger dwelling units, typically associated with higher trip generation rates, should contribute proportionally more to mitigating their transportation impacts.

The per-square-foot fee basis also aligns with the principles of fairness and equity, as it ensures that developments with larger footprints, and consequently greater potential for VMT generation, bear a proportionate share of the cost of providing transit facilities.

Furthermore, this fee basis provides clarity and simplicity in fee administration and collection, as it relies on a readily measurable and verifiable metric - the area of the dwelling unit.

By adopting a per-square-foot fee basis, the Nexus Study ensures compliance with legal requirements, promotes fairness and equity, and facilitates efficient fee administration.

Section 8. Conclusion

8.1 Recommended Maximum Fee Amounts

The analysis presented in this Nexus Study establishes a clear connection between the anticipated increase in residential density due to the removal of the 9% density reduction and the need for the proposed Metrolink Station and Park and Ride facility. To ensure that new residential developments contribute their fair share towards the Metrolink station and Park and Ride facility identified as mitigation in the Winchester Community Plan Environmental Impact Report.

The fees have been calculated using the CUD methodology, which provides a refined and accurate assessment of the VMT impact associated with each housing type. The fee structure is designed to be proportionate to the square footage of the residential units, ensuring fairness and equity while complying with Assembly Bill 602.

The recommended maximum fees are as follows:

- Single-Family Residential: \$0.96 per square foot
- Multi-Family Residential: \$0.50 per square foot
- Accessory Dwelling Units (ADUs): \$0.28 per square foot

8.2 Addressing Traffic Impacts and Improving Transportation Options

The VMT Analysis in the WCP EIR determined that the Residential land uses proposed by the Community Plan would result in significant and unavoidable VMT impacts while the Employment-Based and Retail Use VMT were determined to be less than significant. The EIR also determined that the resulting significant and unavoidable VMT impacts would occur with and without the elimination of the 9% density reduction.

The proposed Metrolink Station and Park and Ride facility are key components of the Winchester Community Plan, aimed at mitigating the traffic impacts under the scenario where the 9% density reduction is removed. The facilities would have the following benefits:

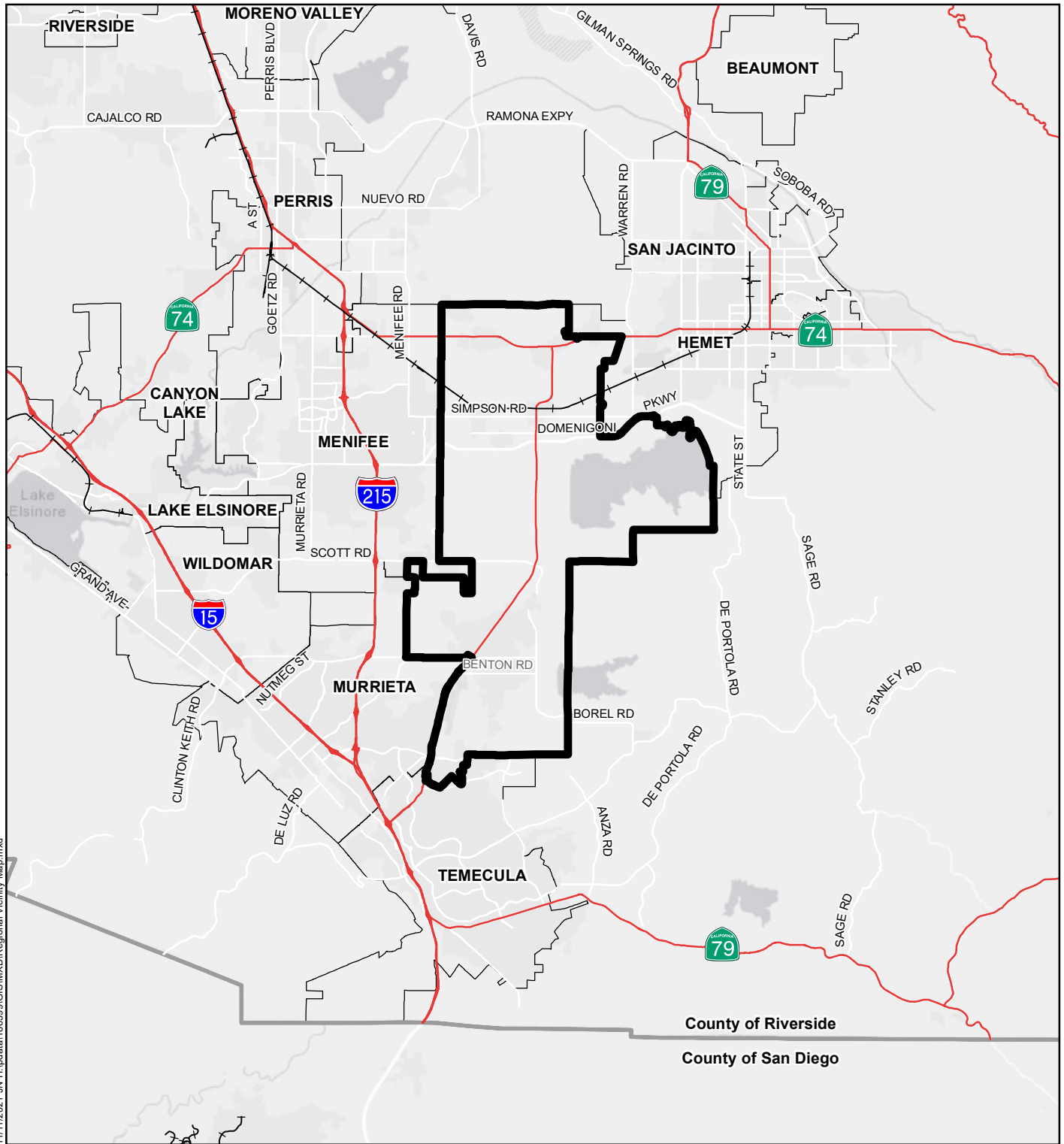
1. Traffic Congestion and VMT Reduction:

- The increase in residential density is expected to generate additional VMT, exacerbating traffic congestion on major roadways such as I-215.
- The Metrolink Station will provide a viable alternative to personal vehicle use, encouraging a shift towards public transit. This shift is projected to reduce daily VMT by 1,475 to 10,830 miles, translating to an annual reduction of 539,375 to 3,958,950 VMT.

2. Improved Transportation Options:

- The Metrolink Station and Park and Ride will enhance accessibility for Winchester residents, providing convenient access to the Metrolink system for commuting, shopping, and other activities.


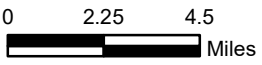
- This infrastructure will support a more balanced and sustainable transportation system, reducing reliance on personal vehicles and promoting public transit use.



11/11/2021 11:41:00 AM H:\padata\186399\GIS\MXD\Regional Vicinity Map.mxd

Legend

- Major Roads - Gray Background
- Project Area
- City Boundary
- County Boundary
- Highway
- USA Railroads

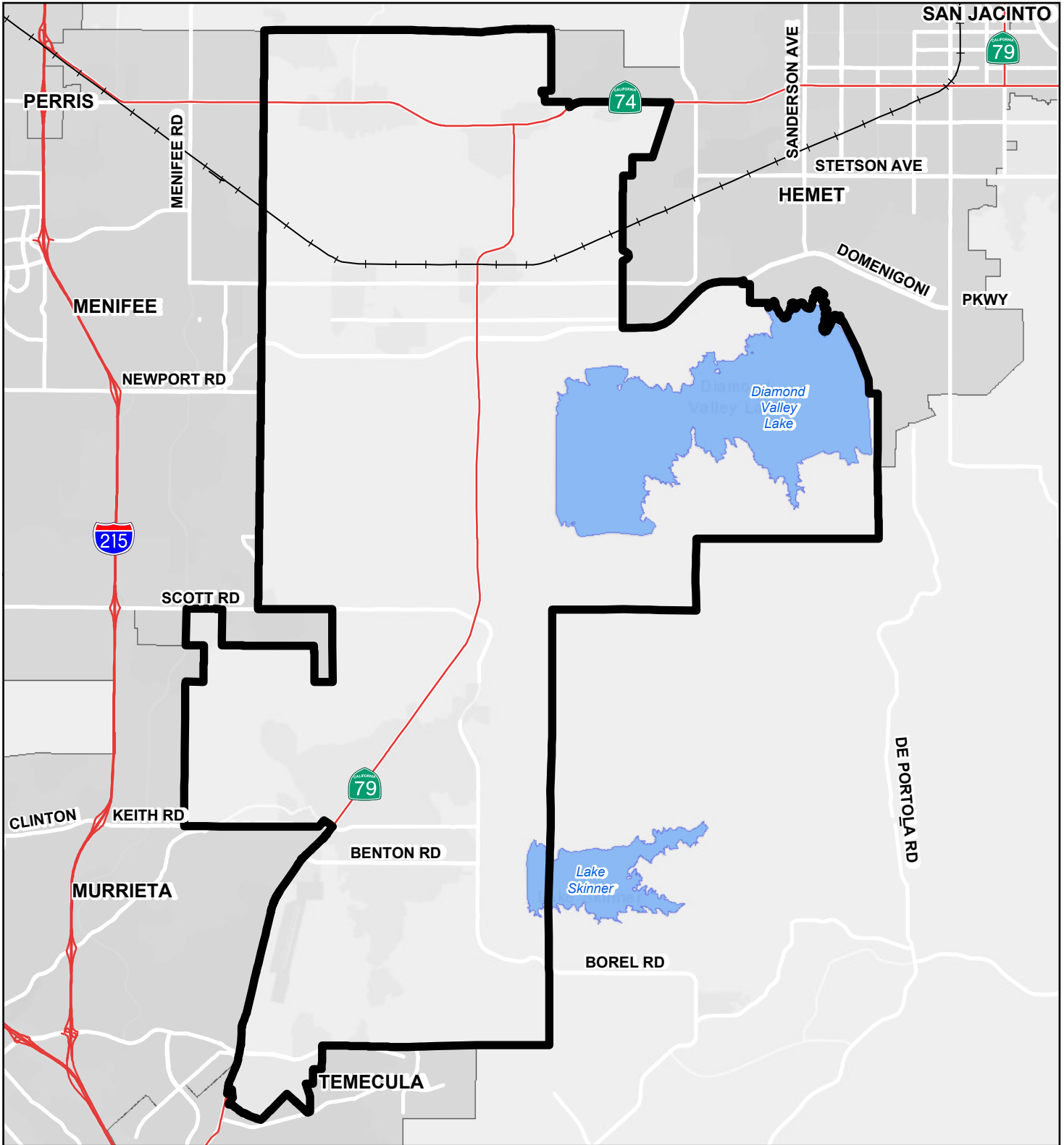


Source: Riverside County Mapping Portal, 2021; Nearmap Imagery, 2021





Exhibit 1- Regional Vicinity Map

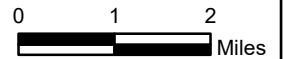
Winchester Community Plan VMT Fee Nexus Study

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Legend

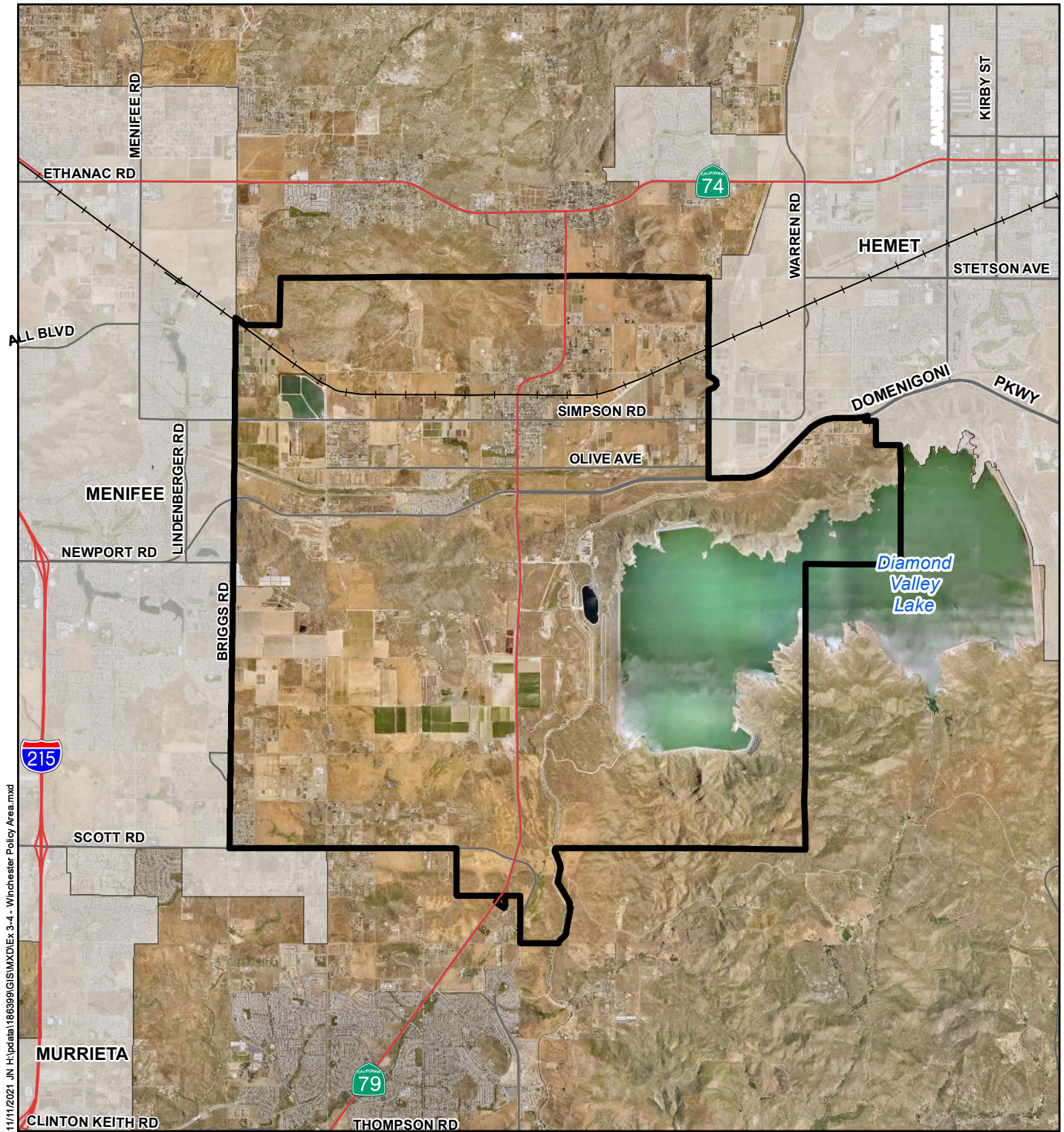
-  Project Area
-  Highway
-  City Boundary
-  USA Railroads



Source: County of Riverside, Kimley-Horn and Associates, Inc., ESRI

Exhibit 2 - Local Vicinity Map

Winchester Community Plan VMT Fee
Nexus Study

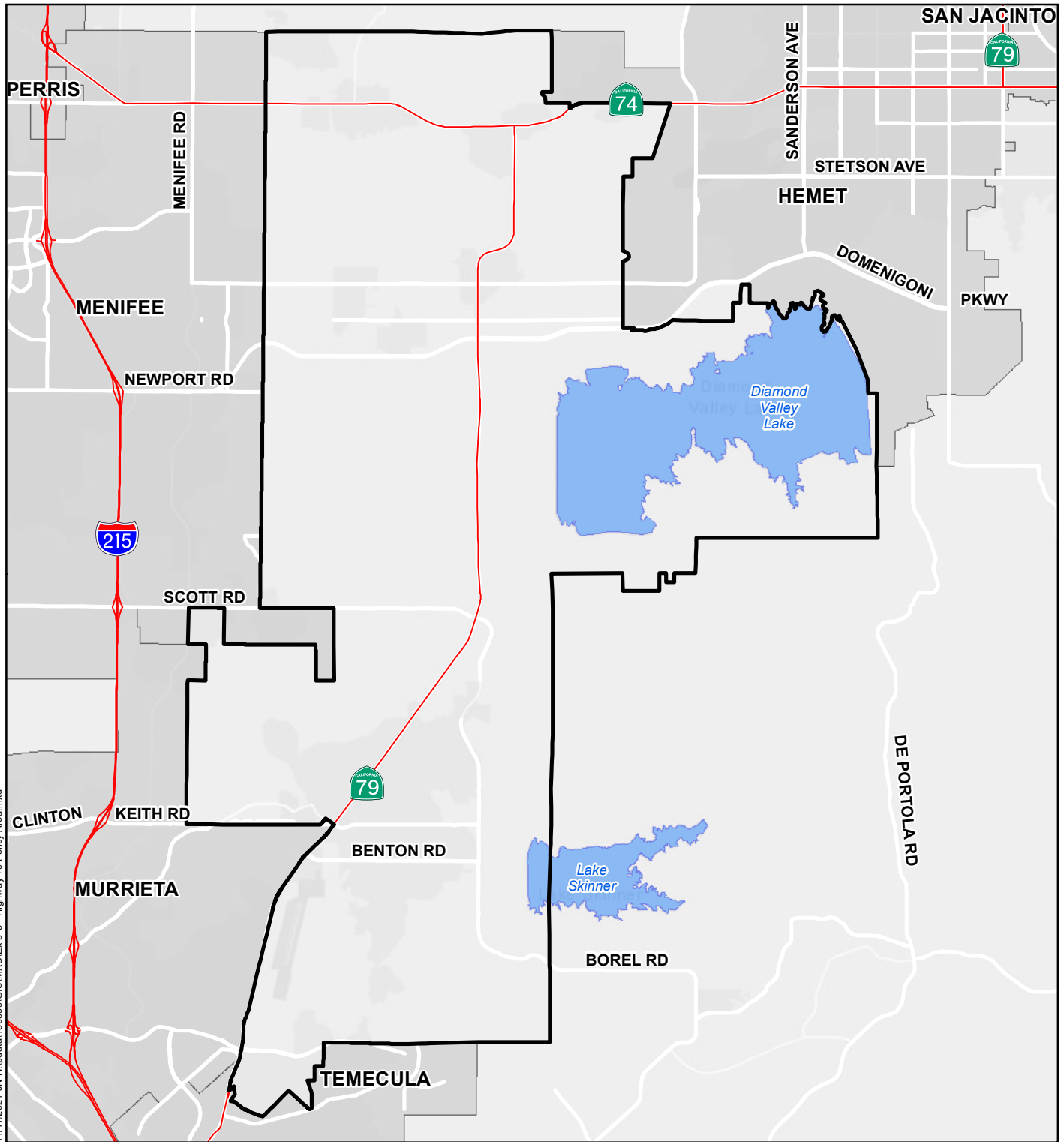


11/11/2021, JN H:\pdaa\186399\GIS\WXD\Ex 3-4 - Winchester Policy Area.mxd

Legend



-  Winchester Policy Area
-  City Boundary

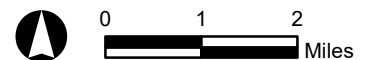


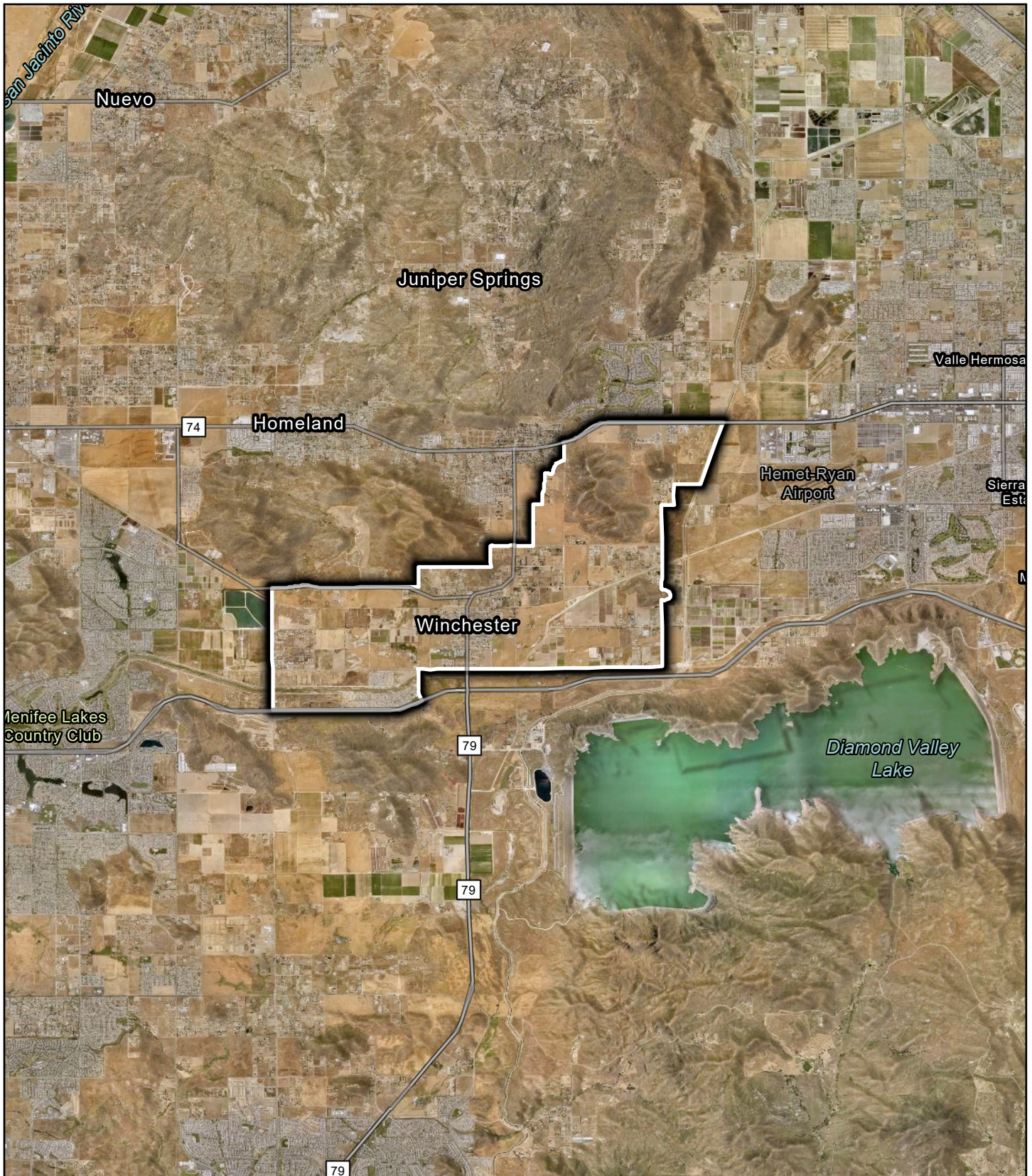



11/11/2021 JN H:\pdata\186399\GIS\MXD\Ex 3-5 - Highway 79 Policy Area.mxd

Legend

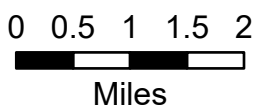
-  Highway 79 Policy Area
-  City Boundary





Census Designated Place

 Winchester CDP

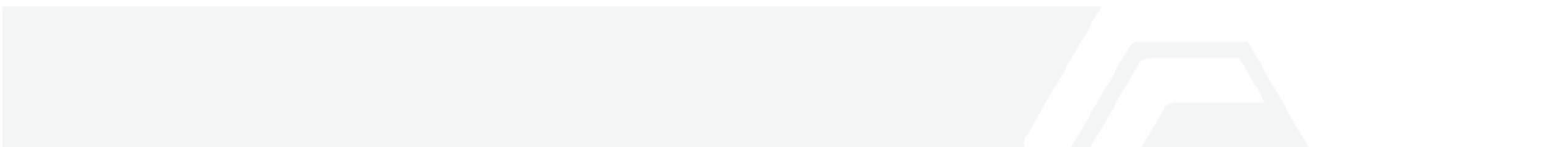


Winchester Community Plan VMT Fee Nexus Study

Winchester CDP Area Boundaries

Exhibit 5

Appendix A: Facility Cost Estimate



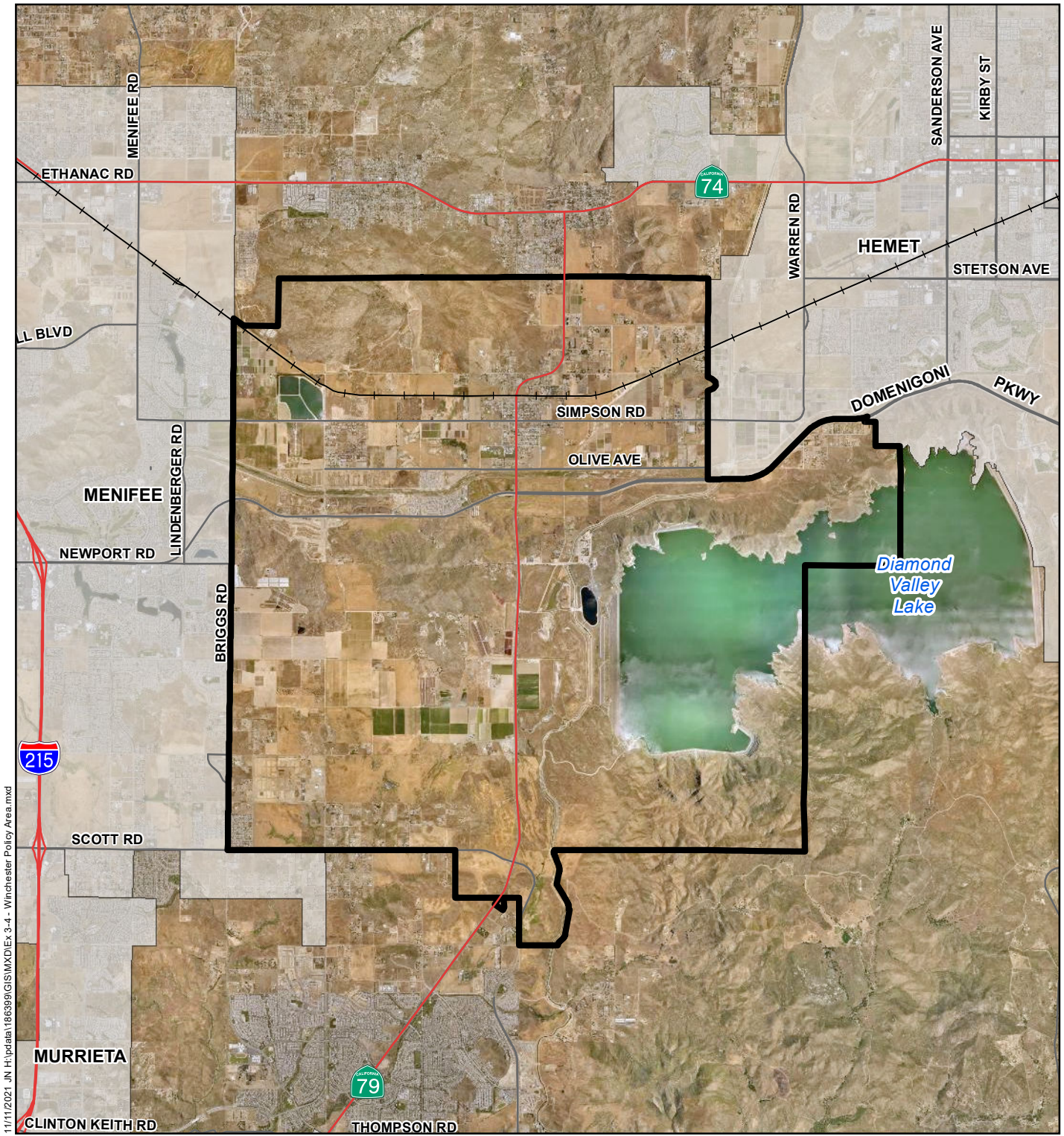
SOURCE:

California Department of General Services (DGS)
 California Construction Cost Index (CCCI): <https://www.dgs.ca.gov/RES/RES/Resour/Resour/Real-Estate-Services-Division-Resources-List-Folder/DGS-California-Construction-Cost-Index-CCCI>

[CCCI Tables from source link above]

Month	2024	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006
January	9680	9246	8151	7090	6995	6684	6596	6373	6106	6073	5898	5774	5683	5592	5260	5309	4983	4869	4620
February	9692	9166	8293	7102	6945	6700	6596	6373	6132	6077	5896	5782	5683	5624	5262	5295	4983	4868	4604
March	9660	9118	8736	7130	6947	6616	6596	6373	6248	6069	5953	5777	5738	5627	5268	5298	4999	4871	4597
April	9688	9026	8903	7150	6955	6841	6596	6461	6249	6062	5956	5786	5740	5636	5270	5296	5004	4872	4600
May	9655	9621	9001	7712	6958	6852	6596	6455	6240	6069	5957	5796	5755	5637	5378	5288	5023	4886	4599
June	9651	9508	8925	7746	7041	6854	6598	6470	6238	6055	5961	5802	5754	5643	5394	5276	5065	4842	4593
July	9646	9526	9110	7892	6984	6854	6643	6474	6245	6055	5959	5804	5750	5654	5401	5263	5135	4849	4609
August	9749	9560	8729	8122	6988	6823	6613	6620	6244	6055	5959	5801	5778	5667	5401	5265	5142	4851	4616
September	9751	9592	8604	7900	7036	6814	6674	6620	6267	6113	5959	5802	5777	5668	5381	5264	5194	4942	4619
October		9654	8712	8080	7120	6851	6679	6596	6343	6114	5969	5911	5780	5675	5591	5259	5393	4943	4867
November		9682	8765	8141	7123	6895	6679	6596	6344	6109	5981	5903	5779	5680	5599	5259	5375	4978	4891
December		9654	8823	8072	7120	6924	6684	6596	6373	6108	5977	5901	5768	5680	5596	5262	5322	4981	4877

	% Increase		PVL 2013 Dollars	VCS 2020 Dollars	PNR 2018 Dollars	----->	2024 Dollars
Sept. 2013 to 2024	68%	Perris Valley Line Station, Perris	\$6,100,000				\$10,200,000 PVL
Sept. 2020 to 2024	39%	Vista Canyon Station, Santa Clarita		\$23,700,000			\$32,800,000 Vista Canyon
Jan. 2018 to Sept. 2024	48%	Temecula PNR			\$3,000,000		\$4,400,000 Temecula PNR
							\$37,200,000 Vista Canyon + Temeculat PNR
							\$3,720,000 10% Contingency
							\$41,000,000 Total (rounded)



11/11/2021, JN H:\pdaa\186399\GIS\MXD\Ex 3-4 - Winchester Policy Area.mxd

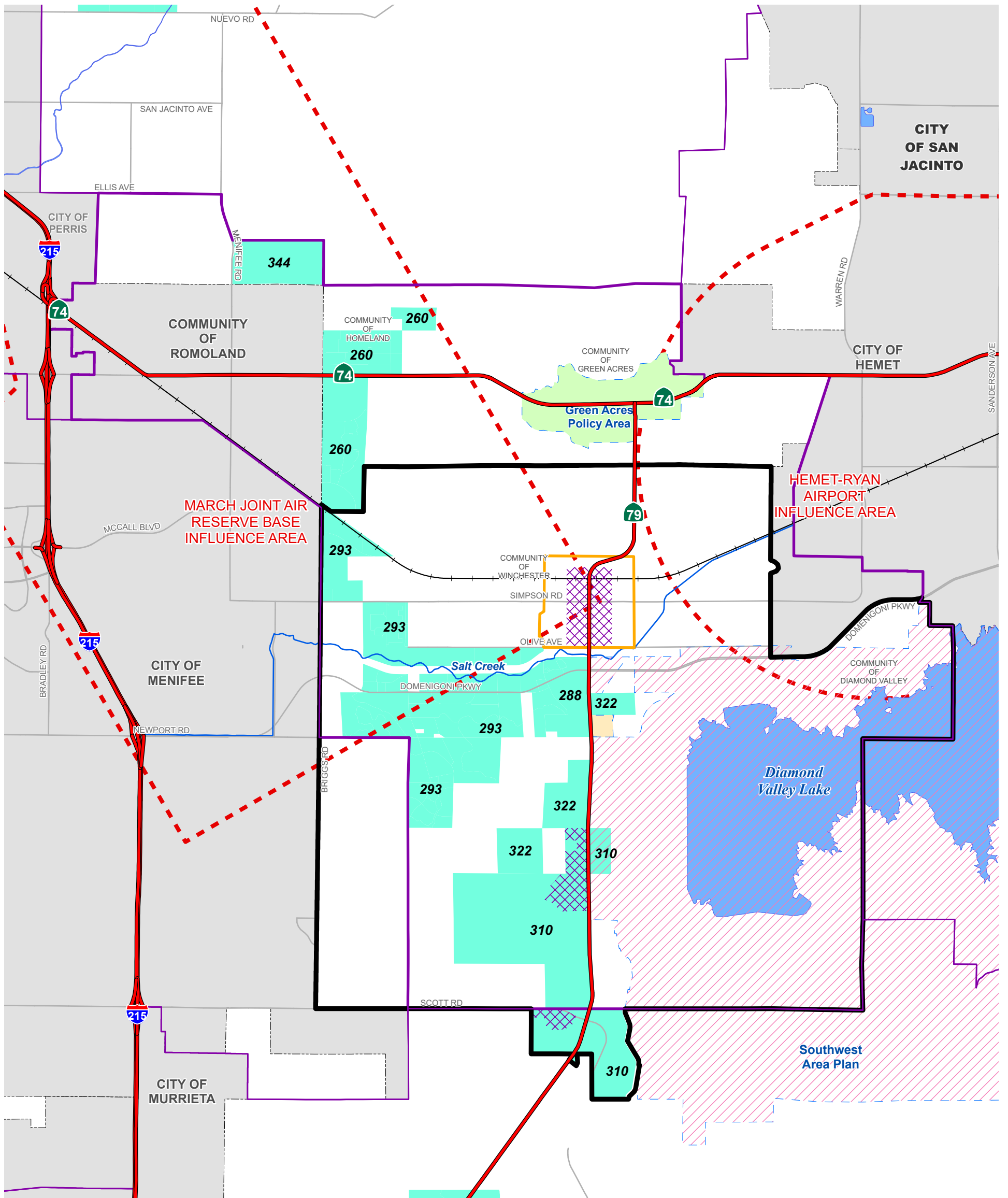
Legend

- Winchester Policy Area
- City Boundary



Source: County of Riverside, ESRI

WINCHESTER COMMUNITY PLAN
 ENVIRONMENTAL IMPACT REPORT
Winchester Policy Area



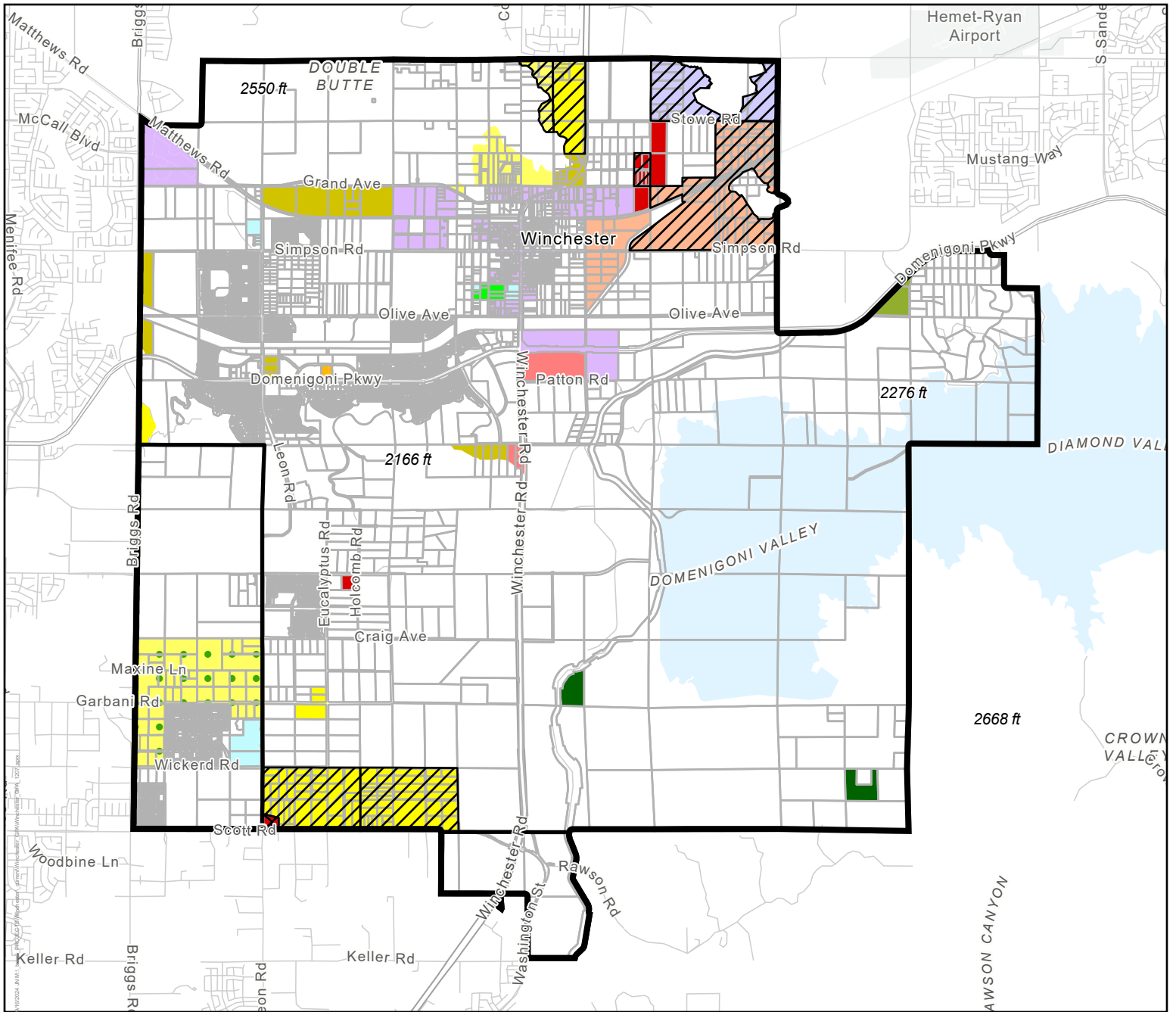
Data Source: Riverside County

- | | |
|---------------------------------|--------------------------------------|
| Highways | Green Acres Policy Area |
| Downtown Winchester | Winchester Rd/Newport Rd Policy Area |
| Area Plan Boundary | Railroads |
| Winchester Policy Area | Waterbodies |
| Community Center Overlay | Airport Influence Areas |
| Diamond Valley Lake Policy Area | City Boundary |

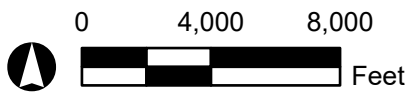
Figure 4



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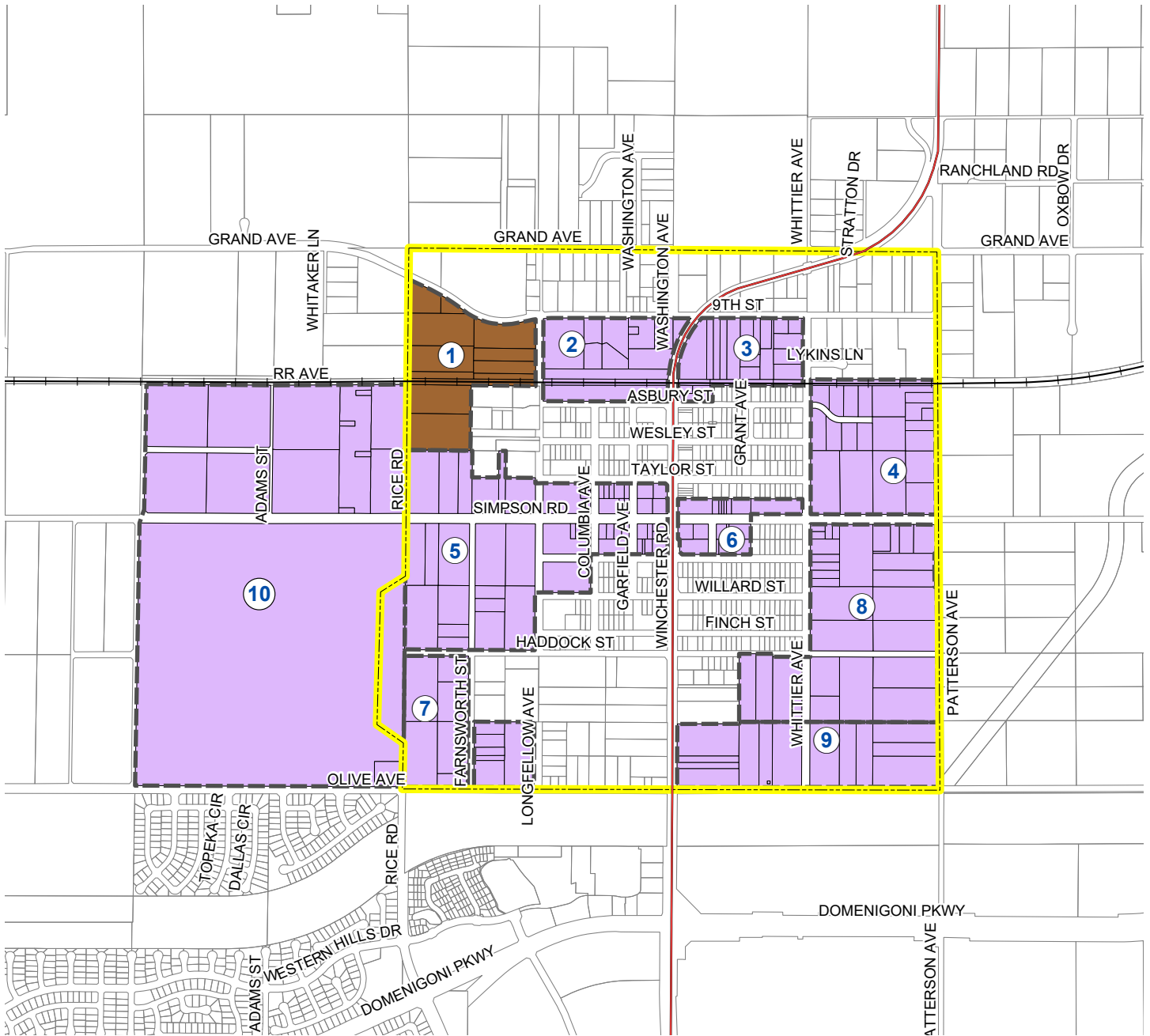
Area Plan Proposed Changes	Low Density Residential	Commercial Tourist	Conservation
Winchester Policy Area	Medium Density Residential	Light Industrial	Conservation Habitat
Foundation Component	Medium High Density Residential	Business Park	Open Space Recreation
Proposed Land Use Change			
Rural Community - Low Density Residential	Commercial Retail	Public Facilities	Mixed-Use Area



WINCHESTER COMMUNITY PLAN

Proposed Winchester Policy Area Land Use Designation Changes

Source: County of Riverside, ESRI



Source: Riverside County

**COMMUNITY DEVELOPMENT
LAND USE DESIGNATIONS:**

-  Highest Density Residential
-  Mixed-Use Area
-  Downtown Winchester
-  Railroads

HHDR / MUA NEIGHBORHOODS:

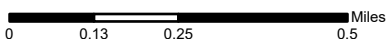
- | | |
|------------------------------|---------------------------|
| 1- Double Butte View | 6- Simpson Road East |
| 2- Winchester Transit Center | 7- Salt Creek West |
| 3- Winchester Northeast | 8- Patterson Avenue South |
| 4- Patterson Avenue North | 9- Salt Creek East |
| 5- Simpson Road West | 10- West Winchester |

Figure 3

**HARVEST VALLEY / WINCHESTER
AREA PLAN
WINCHESTER TOWN CENTER
NEIGHBORHOODS**

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

 Date Exported: 7/19/2024



County of Riverside
Community of

Winchester

Design Guidelines



RIVERSIDE COUNTY PLANNING DEPARTMENT
4080 LEMON STREET, 12TH FLOOR,
RIVERSIDE, CA 92501

Draft



**WINCHESTER COMMUNITY
DESIGN GUIDELINES**
DRAFT (10/31/22)

**ADOPTED BY RIVERSIDE COUNTY
BOARD OF SUPERVISORS ON _____**

DRAFT

**RIVERSIDE COUNTY PLANNING DEPARTMENT
4080 LEMON STREET, 12th Floor, RIVERSIDE, CALIFORNIA 92501**



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1.0 Introduction

1.1 Background and Purpose

The Winchester Community was founded in ~~1888~~1886 in an area known as ~~Pleasant French~~ Valley. By 1890, the community had a population of approximately 200 people, and several community facilities including a Methodist church, general store, blacksmith shop, feed stable, wagon shop, and a small depot at the Winchester Train Station. Development was slow within Winchester and the community remained a rural agricultural area until the early 2000s, with several small businesses and agricultural operations. The surrounding cities and rural areas have experienced large population expansion and along with Winchester are in transition to accept the onset of urban development to accommodate the growth. This growth can be an asset as well as a challenge in seeking to support a cohesive development that reflects the individual needs and character of the Winchester Community

The purpose of these design guidelines is to inform and guide development in the Winchester Policy Area (WPA). These guidelines and standards are available to prospective developers so that early design decisions can be made that are consistent with the plan. The Winchester Design Guidelines will facilitate growth, set expectations for high-quality site and building design, and maintain and enhance the character of its neighborhoods and communities.

1.2 Community Input and Outreach Process

As part of the preparation for the update to the Harvest Valley/ Winchester Area Plan (HVWAP) and creation of the Winchester Design Guidelines, the County of Riverside held community workshops related to the future growth of Winchester. These meetings covered topics relating to:

1. Strengths, Weaknesses, Opportunities, Threats (SWOT) Analysis
2. History of the Community
3. Land Use
4. Community Design
5. Housing
6. Open Space and Recreation
7. Mobility and Transportation

The Community's input identified the following themes relating to the design guidelines and standards and the overall vision of the Winchester community. The following priorities were noted:

1. Pride in Local History
2. Continue a Rural/Small Town Community Character
3. Create Walkable Areas, Especially in The Mixed-Use Core



4. Promote Family-Friendly Uses
5. Restrict Building Heights and Massing to Keep the Small-Town Character
6. Diversify Mix Use and The Ability to Combine Live/Work/Play
7. Incorporate a western design
8. A mixture of Active/Passive Recreational Uses
9. Animal-Friendly Community (Related to Equestrian Uses)

In addition to the Community Workshops, the project team also engaged the Winchester Municipal Advisory Council (MAC) and the associated subcommittee, and the Land Use Committee (LUC) during several meetings to discuss components of the HVWAP and the proposed design guidelines and standards. The LUC provided focused feedback and information relating to the history of Winchester, the physical composition of the community, and helped to shape the vision as it relates to how Winchester develops.

The overall themes collected from these outreach efforts form the foundation for the Winchester community design guidelines and standards identified in this document.

1.3 Exceptions of the Winchester Design Guidelines

The Winchester Design Guidelines (WDG) shall apply to all development projects, except in situations where the following occur:

1. Other Standards are adopted by the Board of Supervisors relative to a particular designated area.
2. There is a physical constraint or unique situation that is not created by the project permittee/owner; and is not caused by financial or economic considerations.
3. A requirement will not create a safety hazard or impair the integrity or character of the neighborhood in which the subject property is located.
4. The Planning Director determines the project's design meets the intent of these design guidelines and standards to the extent feasible and it will not have a detrimental impact on the HVWAP.

1.4 Existing Specific Plans

Existing Specific Plans are adopted by resolution and the associated regulation is adopted by ordinance. These Specific Plans are deemed to be consistent with County guidelines at the time of adoption. In some cases, County guidelines were incorporated into the Specific Plans by reference. The design guidelines within each specific plan apply more specifically to the uses within that document. Adoption of the Winchester Design Guidelines (WDG) will not affect adopted specific plans, nor will their associated design elements become non-conforming.

When an existing specific plan is formally amended (as opposed to the approval of a substantial conformance document), the specific plan will be reviewed against the WDG for consistency with design features and themes.



The HVWAP includes four adopted Specific Plans within its boundaries:

SP No. 288 (The Crossroads in Winchester)

The Crossroads Specific Plan document includes architectural design guidelines for residential uses within its boundaries. The architectural style is identified as rural, using western building styles including California Ranch.

SP No. 293 (Winchester Hills)

Winchester Hills Specific Plan includes design guidelines for residential and commercial uses. Architectural themes include rural architecture, including California Ranch, California Contemporary, California Bungalow, and California Cottage.

SP No. 310 (Domenigoni – Barton)

The Domenigoni Specific Plan document includes design guidelines for residential and mixed-use components of the plan. The architectural themes include Spanish California/Mission/Monterey; American West (American Farmhouse, Mining Town style); and Craftsman/Prairie. The Specific Plan includes site planning guidelines for mixed-use and commercial areas.

SP No. 322 (BSA)

The BSA Specific Plan includes residential and commercial guidelines but does not include architectural theming.

1.5 Community Factors

Community Factors are locations or corridors of significance within the Winchester community. These factors contain cultural, social, or historical significance, and are divided into paths, nodes, landmarks, and gateways. Figure 1, Community Factors Map, shows the location of community factors within the WPA.

Paths

Paths are bicycle and pedestrian trails within the community. Paths can be primarily used for travel purposes, recreation focused, or both. Primary pathways within Winchester include the Salt Creek Trail and the Diamond Valley Lake Trails.

Nodes

Nodes are community gathering spaces within an area. They often have special historical, cultural, or social significance within the context of the community and are the areas that most residents and visitors know and frequent. Nodes within Winchester include the Francis Domenigoni Community Center and the Town Center/Downtown Core area.

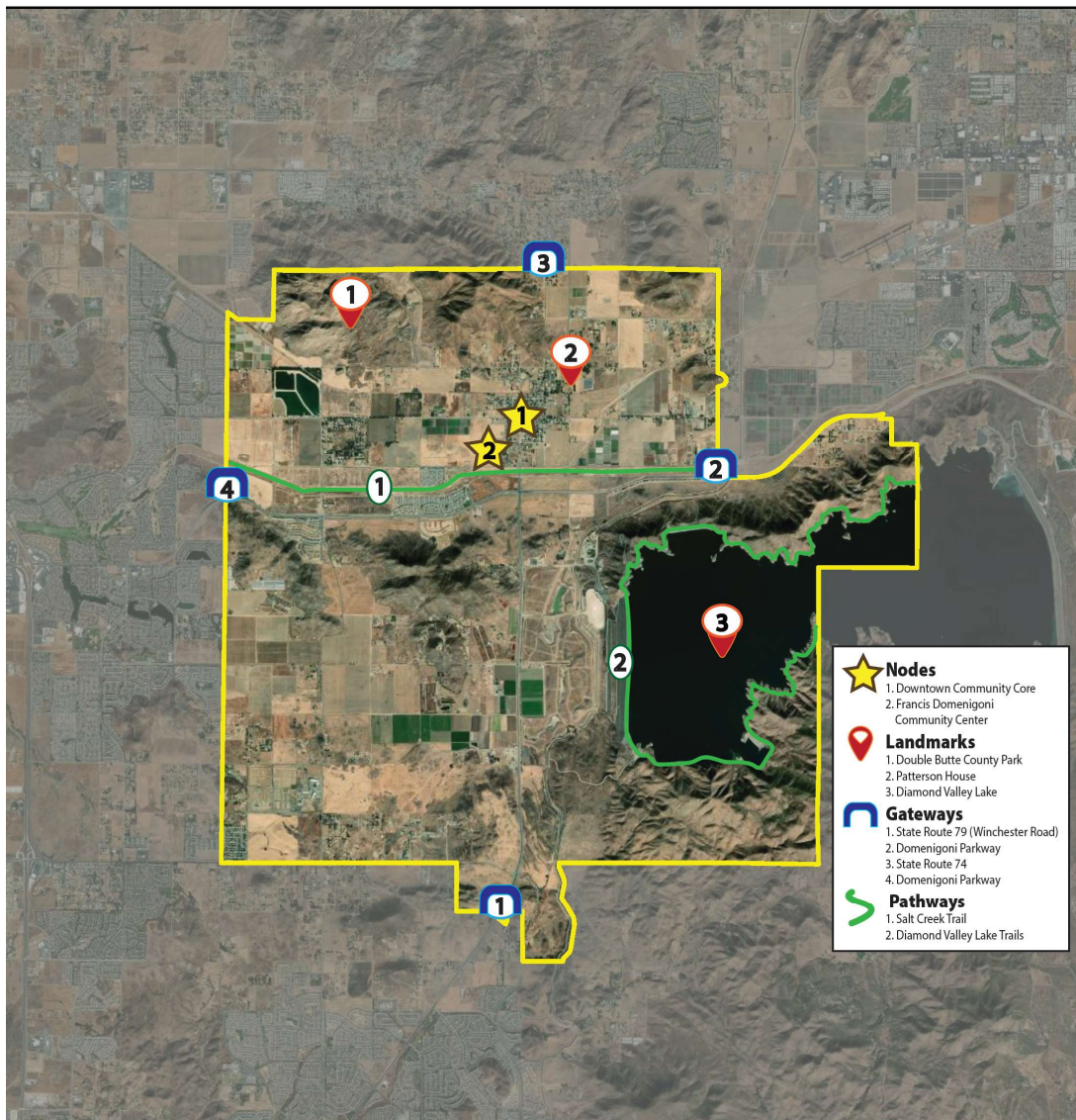


Landmarks

Landmarks are key areas within the community. They generally have regional significance and help to define the community. Landmarks within Winchester include Double Butte County Park, Diamond Valley Lake, and the Patterson House.

Gateways

Gateways are primary entrances to the community. They can take different forms and may be pedestrian or vehicular focused depending on the context. Primary gateways within Winchester include State Route 79 (Winchester Road), Domenigoni Parkway, and State Route 74.



Note: Map not to scale.

Figure 1 – Community Factors Map



1.6 Overall Design Goals

Community Character. The goal of the Winchester Design Guidelines Standards is to promote the community's vision and character for new development. Community character forms the foundation for the values that represent a community. It is distilled from the history, prominent events, architecture, natural features, and unique elements that differentiate it from other areas.

Built Form. Provides continuity and consistency for the built environment within the community. Built form refers to the shape or configuration of buildings. In Winchester, keeping the size and shape of buildings to a pedestrian-friendly scale is important in preserving a sense of place that reflects the character of the community.

Placemaking. Encourages placemaking using new development. Placemaking is a multi-faceted approach to the planning design, and management of public spaces. Placemaking is defined by components such as the built environment, landmarks, and open space.

Smart Growth and Sustainability. Incorporates smart growth components into new development. Smart growth refers to development's impact on the natural surroundings and how growth can influence the sustainability of a community. The following are components of Smart Growth and Sustainability design.

- Compact Building Design,
- The Preservation of Open Space,
- A Diversity of Housing Options,
- Walkable Communities,
- A Variety of Transportation Methods, And
- Sustainable Construction And Building Operation Efficiency

Transit-Oriented Design. Encourages design that facilitates transit-oriented development (TOD) at identified areas where it is feasible. There is an existin rail line running east-west that physically traverses the Winchester Community. Although the rail line is currently not in operation, community members see this as a future opportunity for transit station and transit-oriented development. The Town Center Downtown area should be designed to be conducive to transit use, have a safe walking environment, and provide connectivity to adjacent developments.

Recreational Opportunities. To incorporate active design strategies that make walking and bicycling enjoyable and safe for Winchester residents and visitors. Winchester is comprised of a diversity of recreational opportunities, including but not limited to: golf, equestrian trail riding and events, multi-purpose sports fields for baseball, softball, soccer, basketball (lighted), and thousands of acres of natural desert flora and fauna. Ensuring there are linkages for recreational uses, both active and passive, is important when considering future development in the community.



Scenic Highways & Gateways. Application of prominence to the important gateways to Winchester and along Scenic Highways. Gateways create a sense of arrival and can make a statement, welcoming visitors and promoting a sense of character to an area. How that sense of arrival is created often differs, but generally incorporates unique characteristics of the community. Highway 79 (Winchester Road) and Domenigoni Parkway are the primary access points to the Winchester community, and the downtown area

Neighborhood Development. Provide greater housing opportunities through higher densities and variety, including more affordable housing, life-cycle housing (e.g., starter homes to larger family homes to senior housing), workforce housing, veterans housing, etc.

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2.0 General Design

2.1 Site Planning

The following apply to all development within the Winchester Policy Area as described in the Harvest Valley/Winchester Area Plan of the County's General Plan, with exceptions as listed above. Site planning for development within the Winchester ~~Downtown~~Town Center and Winchester Neighborhoods must also comply with the guidelines and standards laid out in Section 6.0.

1. **Building Orientation and Public Open Spaces.** Building orientation and placement should ~~shall~~ define and activate public open space. Open space should ~~shall~~ include but should not be limited to; passive and active park areas, pet exercise parks, children's play areas.



Figure 2 – Building Orientation and Public Open Space

2. **Pedestrian and Bicycle Uses.** Site plans should ~~shall~~ incorporate paths and facilities for pedestrians and bicyclist and ~~shall~~ promote site connectivity.
3. **Screening for Onsite Loading Areas.** Loading areas must ~~shall~~ be screened from view of public spaces using a variety of methods, including but not limited to fencing, decorative block wall, landscaping, or grade separation. Loading areas should not be visible from residential uses where possible.



4. **Onsite Utilities.** Onsite Utilities (e.g., transformers, backflow preventers, electrical and mechanical equipment rooms) must be screened from public spaces or adjacent residential areas. Onsite utilities should be placed on the side or rear of the development site, while still allowing enough space for maintenance and emergency services access. Onsite utilities placed in a building or are fully screened from public view can be in the front of the development. Roof-top equipment should be screened from any public street – see Figure 3.

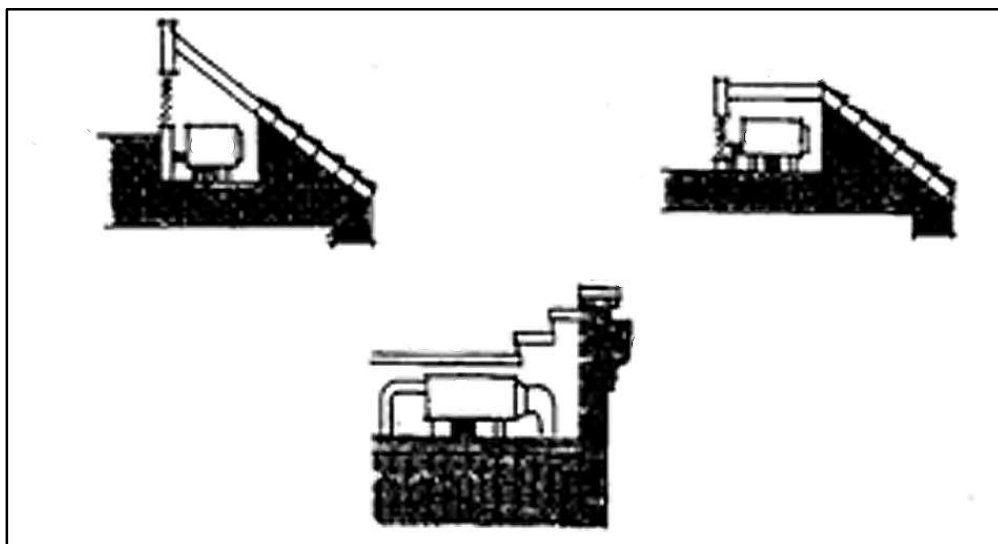


Figure 3 – Method of Screening Roof Top Equipment

5. **Underground/Screening of Powerlines and Transformers.** Power lines and transformers should be placed underground or screened by architectural features or other safe and feasible methods as allowed by the California Building Code (CBC).



6. Refuse Enclosures

- a. Bins, carts, and dumpsters for trash, yard waste, compost, and recycling should~~shall~~ be contained in covered trash enclosures with an opaque gate.
- b. Enclosures should~~shall~~ be made of the matching materials and colors as the primary structure or building(s) of the development.
- c. Enclosures should~~shall~~ not be located within the front setback and should~~shall~~ not be directly visible from the street, public area, or any adjacent residential use (Where possible).



Figure 4 – Screening on-site solid waste and utility areas located outside the building

7. **Multi-Family and Mixed Use.** Multi-family residential and mixed-use developments shall be subject to the County's adopted design guidelines and requirements found within the Riverside County Planning Department or on the Planning Department's public website.
8. **Recreational Vehicle Parking.**
 - a. No recreational vehicle shall be stored in the front yard, or on the driveway in the front of any residential structure.
 - b. The storage of vehicles, boats, camper trailers, or non-commercial vehicles may be permitted in the side yards if it is fully screened, located behind an opaque wall, fence, or gate on a paved parking surface. Vehicles should~~shall~~ be setback from the adjacent rear-side property line the same as required by the zoning designation and allow access for emergency personal and equipment.
 - c. Fully enclosed accessory structures should~~shall~~ be designed to match the existing structure. Temporary metal, canvas or other material coverings are not permitted.



2.2 Building Form and Mass

The following apply to all development within the Winchester Policy Area:

1. **Varying Rooflines.** Collections of buildings that are attached ~~should~~shall incorporate varying rooflines and building heights that undulate throughout the development.
2. **Building Design Segmentation.** All buildings ~~should~~shall have an identifiable base, middle, and roofline. Building design segmentation ~~should~~shall be differentiated through changes in color, materials, or building façade articulation.
3. **Pedestrian and Open Space Scale.** Building massing ~~should~~shall clearly define pedestrian areas and be scaled in conjunction with the size and shape of the adjacent open space.
4. **Variable Front Yard Setbacks.** Homes and garages ~~should~~shall be placed at varying distances from the street and have varying entry locations. Front yard setbacks ~~should~~shall average 20 feet. The minimum front yard setback shall not be less than 15 feet unless allowed by land use/zoning or project entitlement.

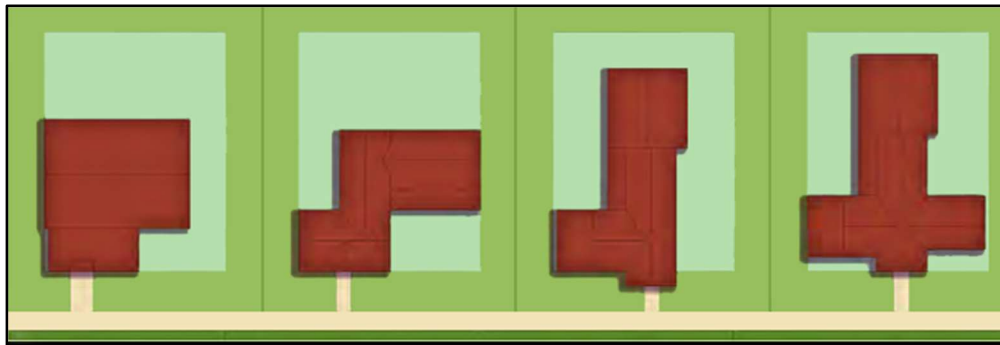


Figure 5 – Variable Front Yard Setbacks

2.3 Architectural Design

The following apply to all development within the Winchester Policy Area.

1. **360-Degree Architecture.** All buildings ~~should~~shall incorporate the concept of “360-degree architecture” in which all sides of a building are given the same level of architectural design and detailing as the primary façade.
2. **Western and Agricultural Design.** Commercial only development ~~should~~shall incorporate Western, Rural, or Ranch design features that reflect the history of the Winchester Community. Project design ~~will~~shall be reviewed for consistency with the Winchester Community through the application process.
3. **Building Materials and Colors.** Building materials and colors ~~should~~shall be consistent with the architectural style of the building and the surrounding area. ~~Use of accent colors or highly reflective materials is discouraged.~~



4. **Building Material Quality.** All buildings shall use durable, high-quality materials. The use of Styrofoam and other materials that easily deteriorate for window trim or accents are discouraged.
5. **Design Sustainability.** All buildings ~~should~~shall incorporate sustainable design practices including but not limited to: water and energy-efficient strategies, solar panels, and/or shade structures on windows as feasible.

2.4 Landscaping

The following apply to all development within the Winchester Policy Area.

1. **Landscaping Consistency.** New developments ~~should~~shall consider the character of the existing streetscape conditions and landscaping design associated with neighboring uses when completing onsite landscaping improvements.
2. **Drought Tolerant Plants.** Drought tolerant plant material ~~should~~shall be used in accordance with the County of Riverside's Comprehensive Landscape Guidelines. Large amounts of turf are prohibited except for active recreational uses in key areas.
3. **Landscaping Consistency to Building Design.** Plant material, color, texture, and accent features ~~should~~must complement the architecture and design style of onsite buildings. Planting areas should be designed directly at the base of building facades and walls/fences to soften the transition to the ground.
4. **Landscaping and Safety.** Planting areas ~~should~~must maintain clear lines-of-sight to roads or sidewalks to promote safety by design.
5. **Tree Shading.** Tree shading ~~should~~shall be safely provided for sidewalks and internal walking paths.
6. **Art Installation.** Art installations are encouraged in public spaces and should be in keeping with the character and history of the area.
7. **Healthy Plant Specimens.** Existing healthy established plant specimens should be preserved. Where mature trees must be removed, they shall be replaced with the equivalent number of large trees of the same or compatible species. ~~No invasive plant species will~~shall be permitted.
8. **Streetscapes.** Landscaping of the roadway streetscapes within Winchester is critical in creating a sense of place, and maintaining a high-quality community theme. Streetscapes shall include the following:
 - a. The scale and proportion of the street scene should reflect the street hierarchy and provides separation of vehicular and pedestrian travel.
 - b. Larger streets should contain larger parkways and are more extensively landscaped; in contrast, local streets are planned with narrower parkways and less prominent landscaping.



- c. Varied streetscapes should be intended to create a high quality, visually pleasing experience.
- d. Streetscapes throughout the community should be planted with a combination of evergreen and deciduous trees, low shrubs, and masses of groundcovers.



Figure 6 – Streetscape

- 9. Gateways/Monumentation.** Entry monuments ~~should~~**shall** be provided at the primary entry points into the Winchester Community area and Town Center area, as shown on Figure 1, to identify the community and create a distinctive entrance statement that establishes the character of the community. The entry monuments ~~should~~**shall** be provided by the development project/property owner of the entry point parcel.
- a. Entry monuments ~~should~~**shall** be provided at the identified gateways (Community Factors Map, Figure 1), State Route 79/Winchester Road, Domenigoni Parkway and State Route 74.
 - b. Entry monuments ~~should~~**shall** incorporate a community sign, low walls, wood trellis, and stone veneer pilasters as architectural elements.
 - c. Landscaping provided at the entry monuments ~~should~~**shall** include colorful shrubs and groundcover in the foreground and evergreen trees in the background. An illustration/example of the entry monument is provided on Figure 7 and Figure 8, Corner Monument.
 - d. Outdoor lighting, other than street lighting, ~~should~~**shall** be low to the ground or shielded and hooded to avoid shining onto adjacent properties and streets. Street lighting standards are addressed through the project review process. Ordinance No. 655 Mt. Palomar lighting requirements shall be observed were applicable. Illuminated street address lighting fixtures ~~should~~**shall** be installed on the front yard side of each dwelling to facilitate location of the street address numbers for safety and public convenience and to compensate for dark sky lighting considerations.



1. Exterior lighting should be designed as a part of the architectural and landscape concepts of the project.
2. An appropriate hierarchy of lighting fixtures/ structures and intensity should be considered when designing the lighting for the various elements of a project (i.e., building and site entrances; walkways, ramps and stairs; outdoor use areas, parking areas, and other areas of the site).
3. To achieve the desired lighting level for most projects, the use of many short, low intensity fixtures is encouraged over the use of a few tall fixtures that illuminate large areas.
4. Back/halo lighting and spot lighting are preferred methods of lighting signs and monuments.



Figure 7 – Corner Monument Sign

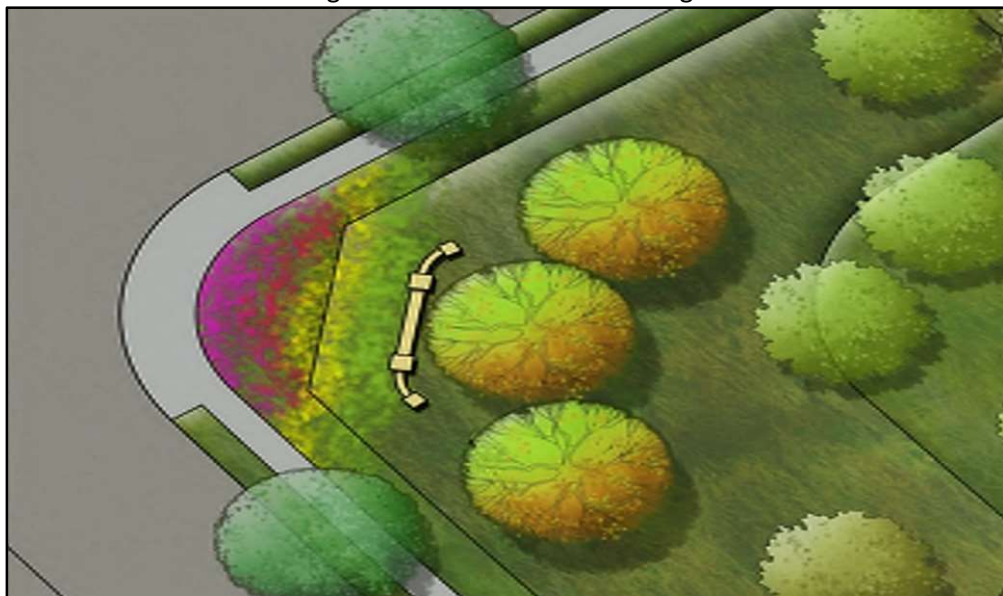


Figure 8 – Corner Monument Plan View



2.5 Walls, Fences and Trails

The following apply to all development within the Winchester Policy Area.

1. **Walls and Fences.** A variety of walls or fences should be provided to minimize roadway noise, maximize views of scenic resources, increase privacy within lots, and increase safety for pedestrians along primary community roads. Walls and Fences shall incorporate the following guidelines:
 - a. Walls and fences ~~should~~ shall be designed as an integral component and extension of the building design and surrounding landscape. Walls and fences ~~must~~ shall be constructed of materials, colors, and textures that are similar to, and harmonious with, the architecture.
 - b. Periphery walls can be integrated into the adjacent structure and extended into the landscape to help integrate the building into its environment.
 - c. Gates should be complementary in style and color to its fence or wall.
2. **Types of Walls and Fences.** The four (4) types of walls and fencing that ~~should~~ shall be used within the Winchester community are described and illustrated below;
 - a. **Masonry Block Wall.** Decorative masonry block walls should be located between roadways and the side and rear yards of residential lots to maximize privacy and provide noise attenuation:
 1. Masonry block walls shall have a maximum height of six-feet (6') adjacent to streets.
 2. Masonry block walls adjacent to interior neighborhood streets shall have a maximum height of five-feet (5').
 3. Walls shall be split-face block with split-face block pilasters and a concrete cap should be placed at approximately 100-foot intervals (evenly spaced) from each corner pilaster(s).
 - b. **Tubular Steel View Fence.** View fences should be in the rear yards of residential lots where scenic opportunities exist and along the perimeter of water quality/detention basins. View fences ~~should~~ shall be a maximum of five feet (5') in height and ~~should~~ shall be constructed of black tubular steel with tan split-face block pilasters and a concrete cap at property corners.
 - c. **Vinyl Privacy Fence.** Vinyl privacy fences should be provided in the side and rear yards of residential lots. Vinyl privacy fences ~~should~~ shall have a maximum height of to six feet (6'), and include posts spaced at approximately eight-foot (8') intervals as allowed by the property line length.
 - d. **Three Rail Fence.** A three-rail vinyl fence is an option for estate residential and ranch type properties, streetscapes, roads/street with trail combinations and must be identified in the design phase of development projects. The three-rail fence may be white or wood grain, with posts spaced at eight-foot (8') maximum intervals.

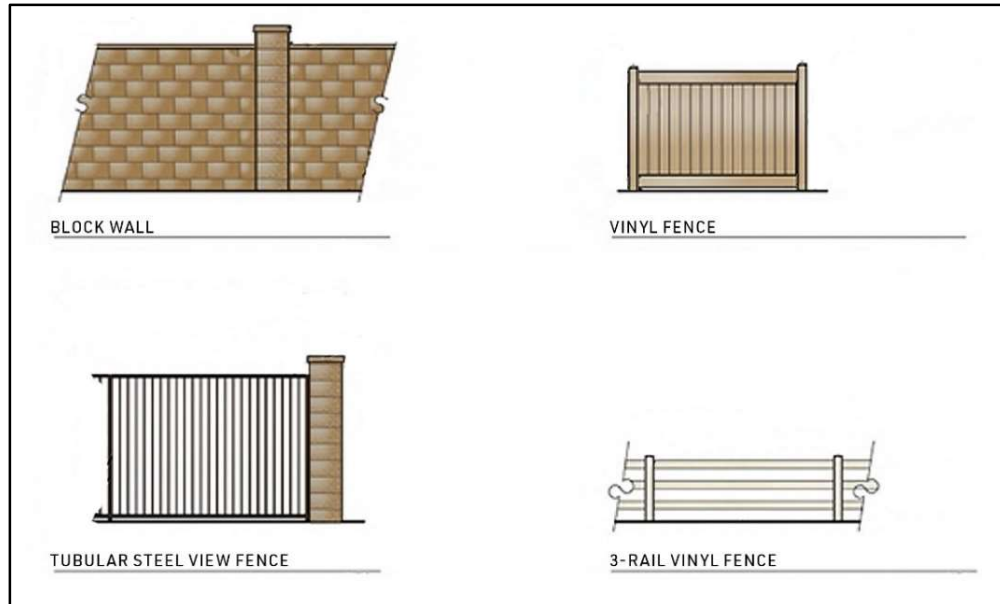


Figure 9 – Walls and Fence Types

3. **Multi-Use Trails.** Winchester’s proposed multi-use trails network ~~should~~must be developed through planning stages as they are an important part of its streetscapes and will function as a key aesthetic, recreational and linking element.
 - a. Multi-use trails ~~should~~shall be constructed of compacted, decomposed granite or other natural composite in keeping with the community’s rural character.
 - b. Trails ~~should~~shall be located along major arterial roads between the landscaped parkway and residential property lines.
 - c. Multi-use trails ~~should~~shall be a minimum 10’ in width to accommodate equestrian, biking, and hiking.
4. **Trails and Bike Paths.** Trails desired by the community are demonstrated in the General Plan and Area Plan and ~~should~~shall be incorporated into a project’s design. These trails may be modified by the Regional Park and Open-Space District as part of their ongoing work in designating and implemented their trails program. Proposed trails should provide a network that links/contects Double Butte, Salt Creek Trail and Diaond Valley trails where feasible.
5. **Trail Crossings.** In situations where there are intersections with multi-purpose and equestrian trails, the pedestrian crossings should include a crosswalk with a textured surface to provide stability for horses. Street crossings should include a corresponding signage as required by the County’s Transportation Department. Crossing at busy streets (secondary highways) must have crossing lights that include activation buttons. Equestrian crossing lights ~~must~~shall include activation buttons mounted at a height easily accessible to the mounted rider.



3.0 Residential

The following apply to all single-family residential development. Single-family residential development ~~should~~ shall comply with the following guidelines and standards as well as those in the General Section also apply.

3.1 Site Planning

1. Character.

- a. ~~Individual single-family homes should be configured to preserve the existing character of the neighborhood. New houses should be designed to match the approximate building location of existing development within the same block and vicinity. Ensure that new homes are constructed in Winchester neighborhoods that are interesting and varied in appearance.~~
- b. Direct line-of-sight between dwelling unit windows should be avoided to reinforce privacy for residents.

2. Outdoor Lighting.

- a. All outdoor lighting fixtures ~~should~~ shall be focused, directed, and arranged to minimize glare and illumination on public streets and any adjoining property.
- b. All outdoor lighting ~~should~~ shall incorporate measures to aid in reducing light pollution. Such measures include wattage reduction, directing lighting downward, shielding lights (or using "cut-off lights" that only illuminate the side or underside of a fixture, rather than shining skyward), and lowering the height of light poles to reduce the illumination radius.

3. Mechanical Equipment. Mechanical equipment such as air conditioners, heaters, evaporative coolers, and other such devices shall not be mounted on any roof and must be located behind privacy walls or landscaping.

4. Streetscape

- a. New streets proposed within a project site shall connect to existing public streets to form a continuous neighborhood network of streets whenever possible.
- b. Private streets with gated entries ~~should~~ shall provide a minimum 30-foot queuing distance in front of the gate per County of Riverside Guidelines. The Planning Director may require a greater distance for larger projects or less distance when project is able to demonstrate how the queuing requirement is impractical for the proposed development.
- c. Street patterns shall be consistent with the County of Riverside's established roadway classifications and County General Plan Circulation Element, except when an approved Specific Plan establishes alternative roadway classifications.



3.2 Building Form and Massing

1. **Variation in Buildings.** Single-family residential developments should vary in building size, scale, roofline, and setback distance.
2. **Step-Back Floors.** Third-story portions of dwelling units should step back from the first floor.



Figure 10 – Step-Back Floor and Roof Variation

3.3 Architectural Design

1. **Variation of Style.** Provide variation in architectural styles along any neighborhood street to provide diversity along the streetscape. No identical residential design products may be located adjacent to each other or face directly across a local street.
2. **Architectural Design** – 360-degree architecture concept ~~should~~ shall be incorporated by providing the same level of architecture design and features as the primary façade to all sides of the building.
3. **Window Placement.** Clear line-of-sight from windows on the front elevation should be provided into front yards to provide for visual surveillance of the street and sidewalks.
4. **Architectural Articulation.** Offset roof planes, columns, vertical and horizontal articulation, or other projecting architectural features ~~should~~ shall occur on those facades of residences and continue on all four sides of the primary structure.
5. **Porch and Entry Features.** The use of porches and patios is encouraged to create a transition between the living space and the outdoor yard/streetscape.
6. **Residential Model Types.** Proposed residential community shall provide a minimum of three (3) different housing product types, for communities with 50 or fewer dwelling units. An additional housing product type should be added for each additional 50 dwelling unit (Not applicable for Mixed Use Development).



7. Single Story Homes. ~~20%10%~~ or more of the total number of homes in a subdivision of ten or more lots shall be single story homes. The required mix of two story homes and single story homes shall be plotted/identified within the subdivision and phases, unless the requirement is waived by the Planning Director.

8.7. Materials and Colors. Materials and colors shall alternate between dwelling units. Buildings with similar architectural styles, materials, and colors shall not be sited directly adjacent to or facing each other.



Figure 11 – Residential design and material variation

9.8. Single-Family Residential Architectural Styles.

a. **Four Residential Architectural Styles.** Four (4) architectural styles have been outlined for the Winchester Policy Area. Ranch, Farmhouse, Prairie, and Craftsman architectural styles establish types and levels of architectural detail which assist in achieving the design objectives. Additional architectural styles that meet the intent and design criteria of the Winchester area may be considered by the Planning Director.

1. **Ranch** - The Ranch style is an American domestic architectural style. It evolved from the large ranches in the late nineteenth century to the contemporary family lifestyle.

The typical Ranch style home is a single-story building with a primarily gable roof. This style is noted for its long, close-to-the-ground profile, and minimal use of exterior decoration. Contemporary Ranch style homes are often accented with details borrowed from Mediterranean or Colonial styles.



Identifying Characteristics

- a. Informal, asymmetrical building form with horizontal emphasis,
- b. Rustic appearance,
- c. Gable and shed roof forms,
- d. Flat shake-like concrete roof shingles,
- e. Sidings and/or stone accents.



Figure 12 – Ranch Style Home

Style	Required
Form	<ul style="list-style-type: none"> • Informal, asymmetrical building form with horizontal emphasis
Roof	<ul style="list-style-type: none"> • Steep 6:12 to 8:12 roof pitches or lower roof pitches 3:12 to 5:12 • Predominant gable and shed roofs, with 12” rake and 18” to 24” eaves • Flat concrete tile • Occasional standing seam or corrugated metal roof
Walls	<ul style="list-style-type: none"> • Light to medium sand finish stucco • Brick, adobe, or stone used as wall mass or accent • Horizontal lap siding • Board and batten siding
Windows	<ul style="list-style-type: none"> • Square or rectilinear window shapes with standard divided lights
Details	<ul style="list-style-type: none"> • Wooden or timber detailing • Heavy square post and beam porches • Window header beams stone chimney
Colors	<ul style="list-style-type: none"> • Wide range of light to dark earth tones building color • Off-white, light, or dark tones in contrast to field trim • Light or dark tones in contrast to field accents.



2. **Farmhouse** – The American Farmhouse style is defined by simple practicality. Homes were designed to provide basic comfort and utility, be attractive, and offer flexibility to grow and change uses over time. The American Farmhouse is traced back to Colonial styles most homes were designed and built by local craftsmen, resulting in substantial regional deviations across the country.

Identifying Characteristics

- a. Typically, two stories in height with high pitch gabled roof
- b. Wood siding combination with stucco
- c. Large, covered porches with simple wood columns and railings



Figure 13 – Farmhouse Style

Style	Required
Form	<ul style="list-style-type: none"> • Simple plan form massing • Front porch integral to plan form
Roof	<ul style="list-style-type: none"> • Roof pitch: 5:12 to 10:12 • 12" overhangs • Flat concrete shingle • Steep front-facing gable at front elevation with moderate cross gable
Walls	<ul style="list-style-type: none"> • Light to medium sand finish stucco or blended siding and stucco
Windows	<ul style="list-style-type: none"> • Vertical multi-paned windows • Built-up header trims at front windows
Details	<ul style="list-style-type: none"> • Porches with simple square wood posts and railings • Stucco finish or horizontal siding wrapped chimney • Wood pot shelves • Dormer windows
Colors	<ul style="list-style-type: none"> • Whites or dark building color • Contrasting cool or warm trims • White or dark accent color



3. **Prairie** – The Prairie style grew in popularity during the first decade of the twentieth century and has spread throughout the country. The style is defined by simple horizontal massing and clean lines which are the most important elements.

Identifying Characteristics

- a. Lower pitched roofs with broad overhangs
- b. Horizontal massing
- c. Details with emphasis on horizontal lines
- d. Stone horizontal base
- e. Grouped articulated windows with breaks/spacing



Figure 14 – Prairie Style

Style	Required
Form	<ul style="list-style-type: none"> • A horizontal character achieved using single-story elements and elate lines, along with low roof pitches.
Roof	<ul style="list-style-type: none"> • Roof pitch: 4:12 preferred, 3:12 to 4:12 permitted • 18"-36" overhangs • Flat concrete shingle • The primary roof form shall be hipped to emphasize the horizontality of the building • Low pitched gable roofs may be used as secondary elements only
Walls	<ul style="list-style-type: none"> • Stucco and/or stone are the primary wall materials • Stone or brick, when used, may be applied to an entire wall surface or as a wainscot to emphasize the building base
Windows	<ul style="list-style-type: none"> • Windows arranged as horizontal bands below the eave line • Window boxes or plant shelves • Trim used to unify window bands
Details	<ul style="list-style-type: none"> • Structure integrated with the landscape by extending stone or brick details from porch columns to the ground and continuing along the base of the house • Contrasting wall materials or trim emphasizing horizontality.
Colors	<ul style="list-style-type: none"> • Off-white and cream building color • Contrasting colors on eaves and trim • Dark color accent



4. **Craftsman** - The Craftsman style grew out of Bungalow architecture and was strongly influenced by the English Arts and Crafts movement of the late 19th century. The Craftsman style sought the elimination of superfluous ornamentation, creating beauty instead through the simplified lines and masses of the building itself. This unique style promoted handcrafted quality to create natural, warm, and livable homes.

Identifying Characteristics

- a. Low-pitched gable roofs, occasionally hipped
- b. Wide projecting eaves with exposed rafter tails, and decorative beam or braces added under the gables
- c. Porches, either full or partial width, with a roof supported by square columns
- d. Columns or column bases frequently continue to ground level



Figure 15 – Craftsman

Style	Required
Form	<ul style="list-style-type: none"> • Simple boxed massing with vertical and horizontal breaks • Front porch integral to plan form
Roof	<ul style="list-style-type: none"> • Roof pitch: 3:12 to 4:12 • 18" to 30" overhangs • Flat concrete shingle • Basic side-to-side cable with cross gables
Walls	<ul style="list-style-type: none"> • Stucco and/or stone are the primary wall materials • Stone, when used, may be applied to an entire wall surface or as a wainscot to emphasize the building base
Windows	<ul style="list-style-type: none"> • Vertical multi-paned windows at front elevations and in high visibility public view areas • Windows used individually or grouped • Windows trim surrounds with headers and sills proportionate to window size • Built-up header trims at front windows
Details	<ul style="list-style-type: none"> • Decorative use of cross beams, braces, and rafter tails • Porches often feature tapered columns and pilasters • Brick or stone elements visually anchoring the building mass to the ground plane
Colors	<ul style="list-style-type: none"> • Light earth-tone building color • Playful or dark accent color



3.4 Landscaping

1. **Plant Palette.** New residential communities shall provide a plant palette for all areas visible from public view.
2. **Passive and Active Outdoor Areas.** Community open spaces ~~should~~^{shall} include both passive and active outdoor areas for residents. Areas may include sport courts, barbecue areas, pools, tot lots for children of different ages, dog parks, public art, and agricultural education areas. Passive uses refer to elements such as sitting places and areas for enjoying views of scenery. Active uses encourage physical activities including walking, running, cycling, skating, and playing.
3. **Consolidation of Open Space.** Open space within new communities ~~should~~^{must} be combined with schools, community centers, libraries, or other institutional uses when possible.
4. **Parkway Design.** Design of local streets ~~should~~^{must} allow for parkways large enough to incorporate street trees and decorative landscaping.

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4.0 Commercial Development

The following Design Guidelines apply to all type of commercial development. Section 2.0 contains additional guidance for development within the Winchester Planning Area.

4.1 Site Planning

1. **Vehicle and Pedestrian Circulation.** Vehicle circulation should~~shall~~ be separated from pedestrian walkways and multi-use trails.
2. **Pedestrian Paving Materials.** Pedestrian areas should~~shall~~ be enhanced using changes in paving materials, colors, landscaping, and signage.
3. **Defining Open Space and Plazas.** Buildings should~~shall~~ be configured to define public open space areas and plazas.
4. **Pedestrian Access Throughout Site.** Pedestrian paths should~~shall~~ be provided throughout commercial centers to provide continuous access throughout the site.
5. **Corner Buildings.** Buildings at corner locations may~~shall~~ orient their primary entrance directly onto the corner for maximum visibility and access. Corner entrances may~~shall~~ include added architectural articulation and enhanced elements such as towers, spires, changes in materials and colors, or other architectural features.



Figure 16 – Corner Buildings

6. **Sidewalks along Storefronts.** At least eight feet of the unobstructed sidewalk should~~shall~~ be provided along storefront edges to increase the pedestrian experience.
7. **Active Sidewalks.** Sidewalk areas should be designed to accommodate outdoor sales and/or eating spaces in conjunction with commercial uses. Outdoor seating and play structures may~~should~~ be included in commercial centers and should be used to add to the activation of gathering or resting locations.



Figure 17 – Seating Areas Along Sidewalks

4.2 Building Form and Massing

1. **Scale with Surrounding Community.** Commercial centers ~~should~~ shall be scaled with the massing of the surrounding community. ~~Second and third-story elements of buildings shall be setback next to one-story buildings or~~ adjacent to single-family residential uses to provide architectural relief.
2. **Big-Box Retailers.** Free-standing big-box retailers ~~should be located in appropriate areas~~ are discouraged. Large retail buildings should be integrated into commercial centers and complemented by smaller connected retail buildings.



Figure 18 – Outdoor Eating Areas Along Sidewalks

4.3 Architectural Design

1. **Design and Public Spaces.** Architectural features that activate public spaces ~~may~~ shall be incorporated into building façades, including arcades, recessed balconies, awnings, canopies,



and other features. When building entrances cannot be recessed, provide awnings or sunshades at building entrances to visually break down the scale of the building.



Figure 19 – Provide awnings on street facing facades

- 2. Consistency in Large Commercial Centers.** Large commercial centers with multiple tenants shall maintain a consistent architectural character. This may consist of more than one architectural style if all styles are complementary and incorporate unifying elements such as architectural detailing, materials, colors, window treatments, or shade elements.
- 3. Renovations to Existing Commercial Buildings.** Renovations to existing commercial buildings should maintain an architectural style that is consistent with or complementary to the architectural style of existing nearby commercial buildings.



- 4. Enhanced Entrances.** Commercial store entrances should~~shall~~ be easily identifiable and incorporate enhanced trim elements, large doors/windows, detailing, and signage.



Figure 20 – Commercial Retail Large Windows and Entrances

- 5. Façade Transparencies.** There should be a component of the façade to allow for display purposes and/or visibility into commercial stores.~~No less than 30% of the primary building façade should be glass to allow for display purposes or visibility into commercial stores.~~
- 6. Signage Plans.** For multi-tenant (2 or more tenants) commercial development, develop signage plans early in the design process so they are part of the overall building architecture and are consistent with the size and scale of building(s). Signage should~~shall~~ be consistent with the Western design requirement.

4.4 Landscaping

- 1. Landscaping as a Buffer for Public Spaces.** Landscaping should~~shall~~ be used to create a buffer and barrier between public spaces and adjacent drive aisles and parking lots.
- 2. Landscaping and Architecture.** Street trees, shrubs, and other plant material should~~shall~~ be used to enhance the architecture of commercial buildings but should~~shall~~ not block the major portions of storefronts, building entrances, or store signage.



5.0 Industrial, Office, Business Park, Institutional Development

The following Design Guidelines apply to industrial, office, business park, and institutional development. All industrial, office, business park, and institutional development ~~should~~ comply with the following guidelines and standards.

5.1 Site Planning

- ~~1. **Building and Public Streets.** All buildings shall be placed directly adjacent to public streets with primary entrances directly connected to public sidewalks.~~
- 2.1. Corner Treatment for Buildings.** Buildings at the corners of major intersections shall be placed and designed in a way that enhances visibility and activates sidewalks and public areas.
- ~~3.2. **Service Areas for Buildings.** Configuration of Parking, service areas, and loading areas shall be concentrated in the rear or side of the development.~~
- 4.3. Parking Lots and Pedestrian Treatments.** Parking lots shall provide safe pedestrian paths that minimize vehicle interruptions.
- ~~5.4. **Loading Areas and Peak-Time Uses.** Institutional Uses should be designed to accommodate peak-time student pick-up/drop-off in a way that does not impact surrounding uses. Highly used loading areas shall indicate sufficient automobile loading and queuing to prevent obstructions of parking and adjacent roads.~~

5.2 Building Form and Massing

- 1. Consistency with Architectural Character of Existing Development.** New buildings ~~should~~ be consistent with the architectural character of the existing adjacent development and shall include transitioning height, scale, massing. Buildings within a district or corridor should have consistent roofline and building sizes.
- ~~2. **Step Back Upper Floors.** Upper floors of buildings shall be offset with buildings of lesser height or pedestrian open space areas.~~
- 3.2. Facade Articulation.** Facade articulation, including the offsetting of segments of the building, and enhanced architectural features shall be included throughout the building facade to reduce the impact of large buildings. Enhanced architectural features may include vertical or horizontal banding, window treatments, shade structures/canopies, or materials and/or color changes. Long, unbroken blank walls are discouraged.
- 4.3. Roof Design.** Roofs should be designed as integral elements of building architecture. Flat roofs must be designed with a continuous parapet around the entire building. Roof styles ~~should~~ be appropriate for the architectural style of the building.
- 5.4. Functionality and Design.** Buildings should be designed and configured to reflect their function and their aesthetic. Building facades should incorporate design features such as large windows and inviting public entrances.



5.3 Architectural Design

1. **Entrance Design.** Building entry areas should be prominent and clearly identifiable. Entry features should incorporate accent features, color, or material changes.
2. **Elevators and Stairways.** Elevators and stairways shall be internal to the building(s) and not be easily identifiable from the exterior of the building(s).
3. **Vertical Articulation.** Vertical building elements are encouraged to provide vertical architectural articulation.

5.4 Landscaping

1. **Landscaping and Pedestrian Corridors.** Landscaping ~~should~~ shall be used to identify primary pedestrian building entrances and key pedestrian corridors.
2. **Outdoor Amenities and Landscaping.** Outdoor amenities ~~should~~ shall be clearly defined using landscaping or material changes and provide shade to ensure the area is usable.
3. **Landscaping and Building Design.** Landscape screening ~~should~~ shall be incorporated in the projects design to soften large expanses of building facade.

DRAFT



6.0 Winchester Town Center Downtown

The following design guidelines apply to site planning and building layout for all development within the Winchester Town Center Downtown area.

6.1 Site Planning

~~1. Consistency and Infill Development.~~ Infill development ~~should~~ maintain existing neighborhood patterns, including ~~include~~ front porches and entries facing the street, finished floor height, rooflines, and garage locations ~~as proposed by these guidelines.~~

2.1. Building Placement and Walkability. Buildings within the downtown core area ~~should~~ be placed at or near the front lot line to promote pedestrian access, walkability, and a “main street” feel.

3.2. Building Placement and Sidewalks. Pedestrian-oriented uses, including outdoor seating, outdoor retail sales space, landscaping, water features, signage, public art, or child play areas are encouraged.

4.3. Grid Street Design. Streets should remain oriented onto a grid for walkability and ease of wayfinding.

5.4. Block Size and Walkable Scale. Block sizes should stay at a pedestrian-friendly scale to reinforce a walkable downtown area.

6.5. Collaborative Design Opportunities. Opportunities for collaboration between properties with respect to building frontage, pedestrian and vehicular access, parking, loading zones, utilities, screening, lighting, and other design features that could benefit both properties

7.6. Access and Parking

- a. **Minimize Site Access Points.** The number of site access points should be minimized. Shared access, including sidewalks and drives, is encouraged wherever possible.
- b. **Access to Corner Properties.** Vehicular access for corner properties should be taken from side streets or alleys, wherever possible. Curb cuts should be located on secondary streets wherever possible to minimize pedestrian and vehicular conflicts.
- c. **Minimize Pedestrian and Vehicular Interruption.** Site design should clearly define access for vehicular, pedestrian, and bicycle movement and seek to minimize conflict areas between cars and people walking and biking
- d. **Screening for Parking.** The visual impact of parking lots ~~should~~ be minimized by locating these facilities to a portion of the site least visible from the street and by providing adequate screening.



Figure 21 – Pedestrian-Oriented Uses, Outdoor Seating, Landscaping

8.7. Public Art. All development within the ~~Downtown~~ Town Center area ~~should~~shall use the following guidance related to public art:

- a. The use of public art is encouraged to enhance the identity of the Winchester Town Center~~Downtown~~. Where public art is located on-site, it should be located within view of the public right-of-way or public gathering spaces, especially near street corners.
- b. Local artists and themes should be highlighted to emphasize the history of Winchester.
- c. Public art may consist but are not limited to murals, sculptures, interpretive plaques, signage, and monumentation.

9.8. Screening. All development within the Winchester Town Center ~~Downtown~~ area ~~should~~shall use the following guidance related to screening:

- a. Onsite Loading Area and Onsite Utilities.

Loading areas ~~should~~shall be screened from public view spaces using a variety of methods, including but not limited to; fence/gate, decorative block wall, landscaping, architectural feature, grade separation, or another appropriate measure. Loading areas should not be visible from residential uses to the best extent feasible.

Onsite utilities should be placed on the side or rear of the development site or building, while still allowing enough space for maintenance and emergency services access.

- b. Where screening is required, a combination of elements ~~should~~shall be utilized, including but not limited to, solid masonry walls, berms, and landscaping.

10.9. Walls and Fences. All development within the Winchester Town Center ~~Downtown~~ area ~~should~~shall use the following guidance related to walls and fences:



- a. If not required for a separation of land uses or a specific screening/security purpose, the use of solid walls is discouraged throughout the Winchester Town Center~~Downtown~~ area. Where walls are required, the intent should be to keep them as low as possible while performing their screening and security functions.
- b. Where walls are visible from a public right-of-way or parking lot, they should be compatible with the site's architecture and materials utilized on the primary structures. Landscaping shall be used in combination with walls/fences.

11.10. Refuse, Storage and Equipment Areas. All development within the Winchester Town Center~~Downtown~~ area ~~should~~ shall use the following guidance related to refuse, storage, and equipment areas:

- a. Refuse containers, service areas, loading docks, etc. ~~should~~ shall be placed in areas out of view from the public and so that their use does not interfere with parking and circulation.
- b. Trash storage areas that are visible from the upper stories of adjacent structures should have an opaque or semi-opaque horizontal cover/screen to mitigate unsightly views.
- c. All facilities used to screen refuse, storage or equipment ~~should~~ shall be of adequate size for their intended purpose without dominating the site, blocking site distances, or creating unnecessary barriers.
- d. All refuse, storage, and equipment areas ~~should~~ shall be designed with consistent architecture, materials, and colors of the primary buildings.

The following provides design guidance within the Winchester Town Center~~Downtown~~ area for future streets, alleys, and paseos (and public rights-of-way in general):

12.11. Town Center Downtown Entry. Promote a clear sense of arrival for the Town Center~~Downtown~~ Entry area:

- a. Streets should be designed to promote a positive experience of the area and provide an inviting atmosphere to shop and walk within the Town Center~~Downtown~~ area. Design elements, such as gateways, entrance features, and distinct landscaping should also be used to help establish the Town Center~~Winchester Downtown~~ as a unique destination.

13.12. Street Design. Provide a clear organization of streets that meet the following criteria:

- a. The Town Center~~Downtown~~ area is envisioned to accommodate a wide variety and mix of uses ranging between commercial, office, civic, and residential. To maintain a clear flow for bicycle, pedestrian, and vehicular movement, a clear hierarchy of streets should be established.
- b. Gateways can make a statement, welcome visitors to an area, and mark the limits of the Town Center~~Downtown~~ ~~a~~Area. Gateways may vary in size and scale across locations; they seek to promote a sense of arrival and further establish the Winchester Town Center~~Downtown~~ area as a unique destination. The Town Center~~Downtown~~ gateways



~~should~~ shall be located at 9th and Winchester Road and Olive and Winchester ~~Road~~ Avenue or in appropriate locations as determined by the Planning Director.

6.2 Building Form and Massing

- 1. Facade Articulation.** Building facades ~~should~~ shall be divided into separate “increments” of approximately 25 to 50 feet in street-facing facade length to promote the existing small-town look and feel of commercial development within the downtown core area.
- 2. Building Design Features.** Buildings ~~should~~ shall use windows, balconies, overhangs, horizontal and vertical banding, architectural detailing, changes in materials, or push/pull portions of the building façade to create movement on the front ~~all sides~~ of the building.



Figure 22 – Flat Roofs Integrating Parapets

- ~~3. Varied Setbacks.~~ Buildings ~~should~~ shall use varied setbacks to provide visual interest and varying shadow patterns.
- 4.3. Roof Design.** Flat roofs shall include parapets or other architecturally integrated methods to screen rooftop equipment; any rooftop equipment shall not project above the buildings parapet. These elements should be consistent with the style, materials, and color of the building. Roof heights ~~should~~ shall vary between buildings to create architectural interest and an interesting street scene.
- 5.4. Building Height Scale.** Building heights should be scaled appropriately with surrounding elements and take into consideration the heights of existing development.

6.3 Architectural Design

- 1. Building Sides.** Building walls which front on side streets should have breaks, recesses, and offsets, especially at entries and important intersections.
- 2. Arcades and Gallery Frontages.** Arcades and gallery frontages should be consistent with the architectural style of the building.



3. **Perimeter Walls.** Long walls ~~should~~shall incorporate surface articulation, pilasters, and view fencing, where appropriate.
4. **Signage.** Signs ~~should~~shall be designed to complement a western theme and should be identified with the proposed building/developments architecture and identified on project application plans. A sign program should be considered for any proposed multi-tenant (more than two) to ensure project design consistency.
5. **Building Material.** All development within the Winchester Town Center~~Downtown~~ area ~~should~~shall consider the following building materials:
 - a. Durable, high quality exterior building materials ~~should~~shall be used to convey the sense of quality and permanence desired for the area, minimize maintenance concerns, and promote buildings that will last over time. ~~The use of such materials is especially important at the street level, where they are more visible to the public.~~
 - b. Building material and colors ~~should~~shall be used to provide visual interest to building exteriors. Structures shall have a color palette that consists of variable and accent colors. ~~at least two (2) body colors and two (2) accent colors (not including roof color).~~

6.4 Landscaping

1. **Passive and Active Space.** Active and passive open space areas ~~should~~shall be incorporated into development projects.
2. **Outdoor Furniture.** Place outdoor furniture, such as seating, low walls, trash receptacles, bike racks and other elements, in outdoor pedestrian spaces. Coordinate the design and placement of outdoor furniture with the design of the building. Required Planting and Irrigation Plan. Plants should be placed to allow them to grow to their natural sizes and forms, and sheared hedges should be kept to a minimum.
3. **Common Open Space.** Common open space ~~should~~shall be provided in large, meaningful areas and not fragmented or consist of "leftover" land. Large areas can be imaginatively developed and economically maintained.
4. **Outdoor Areas.** Ensure that outdoor areas are visible from public streets and accessible from buildings, as well as streets, footpaths, and bikeways.
5. **Open Space Network.** For larger projects, develop a comprehensive open space network that includes plazas and other open space elements to connect different uses. ~~Projects should strive to include a minimum 10% of lot area of public and private open space in the form of pocket parks, courtyards, and plazas.~~
6. **Landscape Buffering.** Use landscaping buffers and other transition strategies to reduce privacy, visual, and noise impacts, especially when adjacent to existing residential neighborhoods.
7. ~~**Landscaping at Full Maturity.** At full maturity, street trees should be in scale with the width of the street and the height of adjacent buildings.~~



8.7. Pervious Materials. Utilize pervious materials for parking areas, driveways, and pathways to the extent such that they do not cause damage to public streets or other infrastructure or impede pedestrian access.

9.8. Cut Slopes. Cut slopes equal to or greater than eight feet (8') in vertical height and fill slopes equal to or greater than five feet (5') in vertical height must be planted with drought tolerant shrubs, grasses, and/or ground cover to protect the slope from erosion and instability.

DRAFT



WINCHESTER COMMUNITY PLAN REVISED FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE NO.: 2019049114

OCTOBER 2024

SUBMITTED TO
**RIVERSIDE COUNTY
PLANNING DEPARTMENT**
4080 Lemon Street, 12th Floor
Riverside, CA 92501

PREPARED BY
MICHAEL BAKER INTERNATIONAL

Michael Baker
INTERNATIONAL



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COUNTY OF RIVERSIDE

WINCHESTER COMMUNITY PLAN PROJECT REVISED FINAL ENVIRONMENTAL IMPACT REPORT

SCH No. 2019049114



County of Riverside
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501
Contact: Paul Swancott, Contract Planner
Pswancott@rivco.org

October 2024



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1.0 INTRODUCTION¹

In accordance with California Environmental Quality Act Guidelines (CEQA Guidelines) Section 15088, the County of Riverside, as the lead agency, has evaluated the comments received on the Winchester Community Plan Project Draft Environmental Impact Report (Draft EIR) (State Clearinghouse No. 2019049114).

The Draft EIR for the proposed Winchester Community Plan Project (“project”) was distributed to responsible and trustee agencies, interested groups, and organizations. The Draft EIR was made available for public review and comment for a period of 45 days. The public review period for the Draft EIR established by the State CEQA Guidelines commenced on July 5, 2022 and concluded on August 19, 2022. It is noted that the County of Riverside extended the Draft EIR public review period from August 19, 2022 to September 23, 2022.

The Final EIR consists of the following components:

- Section 1.0 – Introduction
- Section 2.0 – Draft EIR Public Review Summary
- Section 3.0 – Response to Draft EIR Comments
- Section 4.0 – Draft EIR Text Revisions

Due to its length, the text of the Draft EIR is not included with this document; however, it is included by reference in this Final EIR. None of the corrections or clarifications to the Draft EIR identified in this document constitutes “significant new information” pursuant to State CEQA Guidelines Section 15088.5. As a result, a recirculation of the Draft EIR is not required.

¹ The Final EIR was revised in October 2024 to incorporate information from the County’s Draft Winchester Community Plan VMT Fee Nexus Study, dated September 12, 2024. These changes do not add significant new information to the Final EIR that would require Draft EIR recirculation under State CEQA Guidelines Section 15088.5.



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2.0 DRAFT EIR PUBLIC REVIEW SUMMARY

The Draft EIR for the proposed project was circulated to affected public agencies and interested parties for a 45-day review period from July 5, 2022, through August 19, 2022. It is noted that the County of Riverside extended the Draft EIR public review period from August 19, 2022 to September 23, 2022. The County undertook the following actions to inform the public of the availability of the Draft EIR:

- A Notice of Availability of the Draft EIR was published on the County's website (<https://planning.rctlma.org/winchester-communityplan>);
- Notification of the availability of the Draft EIR was mailed to project-area residents and other members of the public who had indicated interest in the project;
- The Draft EIR was posted to the State Clearinghouse CEQANet Web Portal on July 5, 2022, as well as sent to various governmental agencies, organizations, businesses, and individuals (see Section 3.0 for a list of agencies, organizations, businesses, and individuals that commented on the Draft EIR); and
- Copies of the Draft EIR were made available on the County's website (<https://planning.rctlma.org/winchester-communityplan>), and at the Riverside County Planning Department (4080 Lemon Street, 12th Floor, Riverside, CA 92501). In addition, a USB containing the Draft EIR was provided to the French Valley Library (31526 Skyview Road, Winchester, CA 92596).



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3.0 RESPONSES TO DRAFT EIR COMMENTS

In accordance with State CEQA Guidelines Section 15088, this document includes written responses to comments raising significant environmental issues received by the County of Riverside on the Draft EIR.

Comments are organized under headings containing the source of the letter and its date. The specific comments from each of the letters and/or emails are presented with each response to that specific comment directly following. Comments received on the Draft EIR are listed below.

COMMENT LETTER No.	PERSON, FIRM, OR AGENCY	LETTER DATED
1	Kathee Smith, Resident	July 7, 2022
2	Juanita Fernandez, Resident	July 7, 2022
3	Michael Morris, Planning and Rules Manager, South Coast Air Quality Management District	July 26, 2022
4	Trip Hord	August 1, 2022
5	Carl Rheingans, Resident	August 8, 2022
6	Michele A. Staples, Jackson Tidus	August 11, 2022
7	Kim Wortman, President, Winchester-Homeland Town Association	August 11, 2022
8	Dan Boyd, Vice President – Entitlements, D.R. Horton	August 12, 2022
9	Casey Mungo, Resident	August 12, 2022
10	Nate, Resident	August 13, 2022
11	Larry Markham, Markham DS	August 15, 2022
12	Demian Boettcher, Principal Civil Engineer, Eastern Municipal Water District	August 16, 2022
13	Steven Keung, Resident	August 16, 2022
14	Mark Hayden, Vice President, CADO Indigo, LLC & CADO Tangerine, LLC	August 16, 2022
15	Samuel C. Alhadeff, Lewis Brisbois Bisgaard & Smith, LLP	August 17, 2022
16	Paul Onufer, Manager, JPMB Investments, LLC	August 17, 2022
17	Joel Morse, T&B Planning, Inc.	August 17, 2022
18	David Chantarangsu, Development Services Director, City of Murrieta	August 19, 2022
19	Michele A. Staples, Jackson Tidus	September 19, 2022
20	Paul W. Pitingaro, Lansing Companies	September 19, 2022
21	Cheryl Kitzerow & Nicolas Fidler, City of Menifee	September 20, 2022
22	Luke Watson, Deputy City Manager, City of Temecula	September 23, 2022

3.0 Responses to Draft EIR Comments



COMMENT LETTER NO.	PERSON, FIRM, OR AGENCY	LETTER DATED
23	David Chantarangsu, Development Services Department Director, City of Murrieta	September 23, 2022
24	Grant and Marsha Becklund, Residents	September 23, 2022
25	Joel Morse, T&B Planning, Inc.	September 26, 2022

To: Baeza, Manuel <MBaeza@Rivco.org>
Cc: Richard Smith <rlsmith7176@live.com>
Subject: NOTICE - Winchester Community Plan

CAUTION: This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Hello Manuel,

Received your notice and of course I find it a bit overwhelming.

In a nutshell, can you tell me how this matter will affect my property at 34440 Marvin Hull Road 92595?

Where in the Draft EIR, on your website, can I find information pertaining to this address?

Thank you.

Kathee Smith
(949) 291-6807

Confidentiality Disclaimer

This email is confidential and intended solely for the use of the individual(s) to whom it is addressed. The information contained in this message may be privileged and confidential and protected from disclosure. If you are not the author's intended recipient, be advised that you have received this email in error and that any use, dissemination, forwarding, printing, or copying of this email is strictly prohibited. If you have received this email in error please delete all copies, both electronic and printed, and contact the author immediately.

[County of Riverside California](#)



Response No. 1
Kathee Smith, Resident
July 7, 2022

- 1-1 The commentor asks for clarification on the notices they received in regard to the Draft EIR. They ask for a summary of how their property would be affected by the project, and ask for resources where they can find information. County Staff has responded to the inquiry and directed the commentor to Draft EIR Exhibit 3-11, *Proposed Winchester Policy Area Land Use Designation Changes*, as well as the Map My County online GIS for current and proposed land use changes. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted.

From: billing@louiesnursery.com <billing@louiesnursery.com>
Sent: Thursday, July 7, 2022 10:38 AM
To: Baeza, Manuel <MBaeza@Rivco.org>
Subject: General plan amendment no.1207

2-1

Good Morning,
My name is Juanita Fernandez and I received a notice of availability and completion of the draft environmental impact report for the Winchester community plan (General Plan amendment no. 1207). Is this just a notification or am I being asked to complete or comply to something specific as I couldn't decipher from the notice. Thank you in advance.

2225 St. Lawrence
Riverside ca 92504
[Brandy Hills](#)

[Office Manager](#)


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Response No. 2

Juanita Fernandez, Resident

July 7, 2022

- 2-1 The commentor asks for clarification on the notices they received in regard to the Draft EIR. They ask if they are required to take any action. County Staff has responded to the inquiry and informed that commentor that the notice is only to inform them as a property owner of the proposed changes associated with the project. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

July 26, 2022

mbaeza@rivco.org

Manuel Baeza, Principal Planner
County of Riverside, Planning Department
4080 Lemon Street, 12th Floor
Riverside, California 92501

Draft Environmental Impact Report for the Winchester Community Plan (GPA No. 1207) (Proposed Project)

3-1

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send a copy of the Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

3-2

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road

¹ South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

² CalEEMod is available free of charge at: www.caleemod.com.

³ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment⁵.

The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*⁶ is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process with additional guidance on strategies to reduce air pollution exposure near high-volume roadways available in CARB's technical advisory⁷.

The South Coast AQMD's *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*⁸ includes suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. It is recommended that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook¹, South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2016 Air Quality Management Plan⁹, and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy¹⁰.

Health Risk Reduction Strategies

Many strategies are available to reduce exposures, including, but are not limited to, building filtration systems with MERV 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Enhanced filtration units are capable of reducing exposures. However, enhanced filtration systems have limitations. For example, in a

⁵ South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁶ CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>.

⁷ CARB's technical advisory can be found at: <https://www.arb.ca.gov/ch/landuse.htm>.

⁸ South Coast AQMD. 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Available at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

⁹ South Coast AQMD's 2016 Air Quality Management Plan can be found at: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf> (starting on page 86).

¹⁰ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.

study that South Coast AQMD conducted to investigate filters¹¹, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter panel. The initial start-up cost could substantially increase if an HVAC system needs to be installed and if standalone filter units are required. Installation costs may vary and include costs for conducting site assessments and obtaining permits and approvals before filters can be installed. Other costs may include filter life monitoring, annual maintenance, and training for conducting maintenance and reporting. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy consumption that the Lead Agency should evaluate in the Draft EIR. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. These filters have no ability to filter out any toxic gases. Furthermore, when used filters are replaced, replacement has the potential to result in emissions from the transportation of used filters at disposal sites and generate solid waste that the Lead Agency should evaluate in the Draft EIR. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to diesel particulate matter emissions.

3-5 South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at mmorris@aqmd.gov.

Sincerely,

Michael Morris

Michael Morris

Planning and Rules Manager, CEQA IGR

Planning, Rule Development & Area Sources

MM
RVC220712-01
Control Number

¹¹ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by South Coast AQMD: <https://onlinelibrary.wiley.com/doi/10.1111/ina.12013>.



Response No. 3

Michael Morris, Planning and Rules Manager, South Coast Air Quality Management District

July 26, 2022

3-1 This comment includes introductory language for the comment letter and includes requests for a copy of the Draft EIR and relevant supporting documents to be sent for review by the South Coast Air Quality Management District (SCAQMD). The comment is acknowledged. On July 5th, 2022, a Notice of Availability that included a link to Draft EIR and supporting documents were mailed to SCAQMD, in the care of Lijin Sun at 21865 East Copley Drive, Diamond Bar, CA 91765-4182. In addition, County staff provided electronic versions of all emission calculation spreadsheets and air quality modeling input and output files to SCAQMD on August 3, 2022. Responses to specific comments are provided below.

3-2 This comment includes recommendations made by SCAQMD to the Lead Agency for analysis of air quality and greenhouse gas impacts. The first recommendation is for the Lead Agency to use SCAQMD's *CEQA Air Quality Handbook* and website as guidance. This would include using the CalEEMod land use emission software to estimate the project's pollutant emissions, then comparing to SCAQMD's regional and localized significance thresholds. The Draft EIR makes multiple references to the SCAQMD *CEQA Air Quality Handbook*, including on Draft EIR page 4.3-20, where the SCAQMD Thresholds of Significance are tabulated. On Draft EIR page 4.3-26, it is stated that "the types and amounts of future development were entered into CalEEMod pursuant to the project characteristics described in Section 3.0." Draft EIR Table 4.3-6, *Estimated Unmitigated Operation Emissions*, shows the comparison of projected emissions to the thresholds of significance determined by SCAQMD.

Additionally, the commentor recommends that the Lead Agency identify any potential adverse air quality impacts that could occur from all phases of the project, such as construction impacts and operational impacts.

The Draft EIR addresses expected construction emissions in Impact AQ-2, on Draft EIR page 4.3-24. It describes the various sources of construction emissions, such as fugitive dust, exhaust, grading/hauling, and asbestos. Information regarding specific developments, construction phase timing, earthwork volumes, and the locations of receptors would be needed to quantify construction-related impacts. All future development would be subject to the County's development review process and would be required to demonstrate consistency with County General Plan policies and Riverside County regulations. Depending on how development proceeds, construction-related emissions associated with future development facilitated by the project could exceed SCAQMD thresholds of significance. However, Mitigation Measure AQ-1 would require all future development projects subject to CEQA to prepare air quality analyses in accordance with SCAQMD guidance. As a result, projects may be required to implement additional mitigation measures in order to reduce air pollutant emissions.

The Draft EIR addresses operational impacts on page 4.3-26, stating that most of the operational emissions from future development facilitated by the project would be mobile source emissions due to vehicle trips to, from, and within the project area and local region. Stationary source emissions would result from gas consumption for space and water heating, landscape maintenance equipment operations, and use of consumer products. As stated above, CalEEMod was used to determine anticipated pollutant emissions for the project. Draft



3.0 Responses to Draft EIR Comments

EIR Table 4.3-6, *Estimated Unmitigated Operation Emissions*, shows potential emissions from the proposed project exceeding SCAQMD thresholds. However, development would be subject to compliance with General Plan policies which promote the reduction of mobile source and stationary source emissions, as well as CEQA review and SCAQMD compliance.

3-3 The commentor describes the State CEQA Guidelines Section 21002 requirement that all feasible mitigation measures must be implemented in the case where the project results in significant impacts. The Draft EIR has appropriately addressed air quality impacts as required by CEQA. The project's impacts regarding air quality are discussed in Draft EIR Section 4.3, *Air Quality*. The Draft EIR concluded that the project would result in a significant and unavoidable impact and a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard during construction. However, future projects developed in the project area would be required to implement mitigation measures to reduce air quality impacts to the extent feasible. Mitigation Measures AQ-1 through AQ-9, included in Draft EIR Section 4.3, *Air Quality*, are applicable to the project:

AQ-1 To identify potential long-term operational-related air quality impacts from projects subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects), project-specific construction and operational air emissions impacts shall be determined in compliance with the latest version of the SCAQMD CEQA Guidelines. The results of the air emissions analyses shall be included in the development project's CEQA documentation. If such analyses identify potentially significant air quality impacts, the County shall require the incorporation of appropriate mitigation to reduce such impacts as required by CEQA and General Plan Policy AQ 4.7.

AQ-2 The County of Riverside shall require applicants of future developments within the project area to implement the following applicable Rule 403 measures (or the latest applicable measures if amended by SCAQMD):

- Apply nontoxic chemical soil stabilizers according to manufacturer specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
- Water active sites at least twice daily. (Locations where grading is to occur will be thoroughly watered prior to earthmoving.)
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered, or should maintain at least 2 feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114 (freeboard means vertical space between the top of the load and top of the trailer).
- Pave construction access roads at least 100 feet onto the site from main road.
- Traffic speeds on all unpaved roads shall be reduced to 15 mph or less.



AQ-3 The County of Riverside shall require applicants of future developments within the project area to implement the following additional SCAQMD CEQA Air Quality Handbook dust measures (or the latest applicable measures if amended by SCAQMD):

- Revegetate disturbed areas as quickly as possible.
- All excavating and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 mph.
- All streets shall be swept once a day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water).

AQ-4 The County of Riverside shall require applicants of future developments within the project area to implement the following mitigation measures for construction equipment and vehicles exhaust emissions:

- The construction contractor shall select the construction equipment used onsite based on low emission factors and high energy efficiency.
- The construction contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer specifications.
- The construction contractor shall utilize electric- or diesel-powered equipment, in lieu of gasoline-powered engines, where feasible.
- The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use.
- During smog season (May through October), the overall length of the construction period will be extended, thereby decreasing the size of the area prepared each day, to minimize vehicles and equipment operating at the same time.
- The construction contractor shall time the construction activities so as to not interfere with peak hour traffic and minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flag person shall be retained to maintain safety adjacent to existing roadways.
- The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.
- Dust generated by the development activities shall be retained on-site and kept to a minimum by following the dust control measures listed below.
 - a. During clearing, grading, earthmoving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease.



- b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the late morning, after work is completed for the day and whenever wind exceeds 15 miles per hour.
- c. Immediately after clearing, grading, earthmoving, or excavation is completed, the entire area of disturbed soil shall be treated until the area is paved or otherwise developed so that dust generation will not occur.
- d. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- e. Trucks transporting soil, sand, cut or fill materials and/or construction debris to or from the site shall be tarped from the point of origin.

AQ-5 The County of Riverside shall verify that the construction contractor of any development occurring within the project area waters all disturbed areas and stockpiles at least three times per day or applies soil stabilizers as necessary to prevent visible dust plumes from these areas. Stockpiles not in use may be covered with a tarp to eliminate the need for watering or other stabilizers.

AQ-6 Prior to construction, the County of Riverside shall verify that individual development specifications require all construction equipment have EPA-rated engines of Tier 3 or better. The equipment design specifications data sheets shall be submitted to the County for verification, and shall be kept onsite by the project contractor during construction activities.

AQ-7 As soon as electric utilities are available at construction sites, the construction site shall be supplied with electricity from the local utility and all equipment that can be electrically operated shall use the electric utility rather than portable generators.

AQ-8 The County of Riverside shall require minimum distances between potentially incompatible land uses, as described below, unless a project-specific evaluation of human health risks defines, quantifies, and reduces the potential incremental health risks through site design or the implementation of additional reduction measures to levels below applicable standards (e.g., standards recommended or required by CARB and/or SCAQMD).

SCAQMD Jurisdiction (or the latest applicable standard if amended by SCAQMD):

- a) Proposed dry cleaners and film processing services that use perchloroethylene must be sited at least 500 feet from existing sensitive land uses including residential, schools, daycare facilities, congregate care facilities, hospitals or other places of long-term residency for people.
- b) Proposed auto body repair services shall be sited at least 500 feet from existing sensitive land uses.



- c) Proposed gasoline dispensing stations with an annual throughput of less than 3.6 million gallons shall be sited at least 50 feet from existing sensitive land uses. Proposed gasoline dispensing stations with an annual throughput at or above 3.6 million gallons shall be sited at least 300 feet from existing sensitive land uses.
- d) Other proposed sources of TACs including furniture manufacturing and repair services that use methylene chloride or other solvents identified as a TAC shall be sited at least 300 feet from existing sensitive land uses.
- e) Avoid siting distribution centers that accommodate more than 100 truck trips per day (or more than 40 truck trips operating transport refrigeration units per day, or where transportation refrigeration units operate more than 300 hours per week) within 1,000 feet of existing sensitive land uses.
- f) Proposed sensitive land uses shall be sited at least 500 feet from existing freeways, major urban roadways with 100,000 vehicles per day or more and major rural roadways with 50,000 vehicles per day or more.
- g) Proposed sensitive land uses shall be sited at least 500 feet from existing dry cleaners and film processing services that use perchloroethylene.
- h) Proposed sensitive land uses shall be sited at least 500 feet from existing auto body repair services.
- i) Proposed sensitive land uses shall be sited at least 50 feet from existing gasoline dispensing stations with an annual throughput of less than 3.6 million gallons and 300 feet from existing gasoline dispensing stations with an annual throughput at or above 3.6 million gallons.
- j) Proposed sensitive land uses shall be sited at least 300 feet from existing land uses that use methylene chloride or other solvents identified as a TAC.
- k) Proposed sensitive land uses shall be sited at least 1,000 feet from existing distribution centers that accommodate more than 100 trucks per day, accommodate more than 40 trucks per day with transportation refrigeration units, or where transportation refrigeration units operate more than 300 hours per week.

3-4 The commentator lists the variety of strategies that are available to reduce health risk exposures. They also describe limitations of filtration systems and offer suggestions for evaluating these limitations in the Draft EIR. As described throughout the Draft EIR, the Winchester Community Plan does not identify specific development projects. As such, any additional analysis related to air quality emissions would be speculative in nature, and would be more appropriately and accurately assessed on a project-by-project basis. According to State CEQA Guidelines Section 15146(b), an EIR prepared for a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might



follow. In addition, future development would be required to comply with building codes and energy standards, as well as all listed mitigation measures, which are established to reduce air pollutant emissions.

- 3-5 This comment provides concluding remarks, offering the availability of SCAQMD staff to assist with air quality, greenhouse gas, and health risk assessments. This comment is acknowledged and does not raise an environmental issue. As such, no further response is necessary.

From: Trip Hord <ambrosehord@gmail.com>
Sent: Monday, August 1, 2022 11:33 AM
To: Baeza, Manuel <MBaeza@Rivco.org>
Subject: Public Review Draft EIR - Winchester Community Plan

Manuel:

4-1 | Please accept the following comments on the DEIR for the Winchester Community Plan.
These comments are primarily oriented to the Highway 79 Density Policy changes that are recommended.

4-2 | Executive Summary: PDF Page 36/612
Mitigation Measures - TRA 2 (Vehicle Miles Travelled)
Comment: The TRA-1 Mitigation Measure references "any new development" will be required to pay the VMT Fee. Please confirm that this VMT Fee does not apply to new Commercial or Industrial development within the PA.

4-3 | Section 4.17 - VMT Mitigation (PDF Page 465/612)
TRA-1 Mitigation Measure.
Comment: Please clarify whether the VMT Fee (TRA-1 MM) applies to existing residential entitlements. The Draft TRA-1 language does not specify or qualify whether approved residential projects can proceed to building permit issuance.

Trip Hord
(909) 553-5792



Response No. 4
Trip Hord
August 1, 2022

4-1 This comment provides a general introduction. Responses to specific comments are provided below.

The commentor asks for clarification of Mitigation Measure TRA-1 and whether the measure will apply to new commercial or industrial development. Draft EIR Mitigation Measure TRA-1 states:

TRA-1	Prior to commencement of residential development within the Winchester PA and Highway 79 PA (excluding areas in the Downtown Core), the County shall undertake a nexus study and adopt an ordinance creating a Vehicle Miles Travelled (VMT) Mitigation Fee for the Community Plan Area. The VMT Mitigation Fee shall consist of a flat fee applied to any new development within the abovementioned areas and shall fund the development of a Transit Station and Park and Ride facility in the Downtown Core. The Mitigation Fee shall not be applied to any residential units developed in the Downtown Core. The ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for <i>any residential development</i> in the Winchester and Highway 79 Policy Areas (excluding residential development within the Downtown Core). (<i>Emphasis added</i>)
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4-2 Based on the programmatic nature of the Winchester Community Plan and since future site-specific development projects are considered speculative, Mitigation Measure TRA-1 was crafted to reduce the anticipated VMT impact associated with residential uses. Mitigation Measure TRA-1 is consistent with the County's policy to mitigate the cumulative and indirect traffic impacts of development through the payment of impact mitigation fees [...] to the extent that these programs provide funding for the improvement of facilities impacted by development (General Plan Circulation Element Policy C-2.5). However, despite implementation of Mitigation Measure TRA-1, the project would result in a significant unavoidable impact concerning the Winchester Policy Area and Highway 79 Policy Area's residential land uses in aggregate exceeding the threshold under all plus project scenarios and the Highway 79 PA's Employment-Based VMT land uses (excluding retail) exceeding the threshold under both scenarios.

The Draft EIR states that non-residential (employment and retail) uses are explicitly excluded from the fee since the project's SB 743 Analysis determined that impacts associated with these uses would be less than significant; refer to Draft EIR page 4.17-22. Mitigation Measure TRA-1 would not apply to new commercial or industrial development in this regard.



While Mitigation Measure TRA-1 is intended to reduce the anticipated VMT impact associated with the Winchester Community Plan, it is noted that the Draft Nexus Study was made available for public review on September 8, 2022 on the County website to support and justify the VMT Mitigation Fee, and an updated version of the Draft Nexus Study was available for public review in September 2024 on the County's website. As outlined in the Draft Nexus Study, the Mitigation Fee is applicable to all new single-family residential development for each unit/parcel that is entitled/approved after the adoption/effective date of the Ordinance. The fee applies to all new residential development within the Winchester Policy Area. The fee does not apply to commercial/industrial entitlement/uses. This fee also applies to new single-family residential entitlements within existing adopted/approved Specific Plans. Therefore, provided the processing requirements are met pursuant to the Mitigation Fee Act and the Board approves the nexus study and requisite fee, the fee will become a new impact fee for any future residential projects that require an entitlement. As this will be a new fee, it will apply to any new residential entitlement same as any development impact fee, regardless of the prior CEQA that was already completed.

- 4-3 The commentor asks for clarification on whether the Draft VMT Mitigation Fee Ordinance/Nexus Study described in Mitigation Measure TRA-1 of the Draft EIR would apply to existing residential entitlements. Refer to Response 4-2 above.

Carl Rheingans
P. O. Box 99
Winchester, CA 92596
August 8, 2022

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

Regarding: Winchester Community Plan (GPA No. 1207)
State Clearinghouse No. 2019049114
Principal Planner: Manuel Baeza

Dear Mr. Baeza,

5-1 | Our family owns parcel 465-060-004 in Winchester which is located south of Stetson Avenue, east of Winchester Road, West of Richmond Road and north of Stowe Road. The Parcel contains approximately 14 acres of commercial zoning and 42 acres of medium density residential zoning on the 56 acres.

5-2 | Considering the current housing shortage and affordability issues we now face, we would like to request an increased density for the residential portion of the property. We want to be on record requesting single family housing with a density of 8 to 10 housing units per acre for the approximately 42 acres zoned medium residential.

Thank you for your consideration in this matter.

Sincerely,



Carl Rheingans



Response No. 5
Carl Rheingans, Resident
August 8, 2022

- 5-1 This comment provides a general introduction. Responses to specific comments are provided below.
- 5-2 The commentor expresses concern over the current housing shortage and affordability, and requests that the County increase housing density on a portion of the parcel they own. This request will be provided to decision makers during project deliberations. The comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).



August 11, 2022

Direct Dial: 949.851.7409
Email: mstaples@jacksontidus.law
Reply to: Irvine Office
File No: 4063-28900

VIA ELECTRONIC MAIL (mbaeza@rivco.org)

Manuel Baeza
County of Riverside
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Re: Winchester Community Plan

Dear Mr. Baeza:

6-1

Our firm represents the Domenigoni-Barton Properties entities, owners of approved Specific Plan No. 310 providing land use, circulation, conservation and infrastructure guidance for development of a mixed use community including up to 4,186 residential units on approximately 1,734.5 acres of land in the Winchester area. For the reasons discussed below, ***we request an extension of the comment period for the Draft Environmental Impact report for the Winchester Community Plan (General Plan Amendment No. 1207) from August 19, 2022 to 30 days after the Nexus Study is made available for public review.***

6-2

The Winchester community has been working with Riverside County for many years on GPA No. 1207 and the land use changes depicted on Exhibit 3-11 in the Draft EIR. Although there are only a few areas requesting changes in land use designations, the County is proposing programs as part of GPA No. 1207 that have not been vetted with the Winchester community and, if approved, would affect the entire Highway 79 Policy Area. For example, the County proposes Mitigation Measure TRA-1 that appears to impose an open-ended moratorium on all development throughout the policy area pending completion of a nexus study and adoption of a future ordinance creating a VMT Mitigation Fee. Additional time is required for the affected public, including the Domenigoni-Barton Properties entities, to understand and comment on the scope and intent of the County’s new proposals and their adverse land use impacts and other potential environmental impacts.

Delaying development indefinitely and imposing a VMT Mitigation Fee on approved projects such as SP 310 with a certified environmental impact report violates both state housing laws and the California Environmental Quality Act (“CEQA”). The state housing laws address the current housing crisis by encouraging residential development of projects that are

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consistent with approved land use and zoning such as SP 310. Also, CEQA prohibits the County from requiring additional environmental analysis unless there are substantial changes or substantial new information. (Pub. Res. Code § 21166.) Any proposed new VMT Mitigation Fee would be irrelevant to SP 310 and should not delay development of the specific plan because, when SP 310 was approved, Level of Service was the applicable threshold, not VMT. The use of the new VMT analysis as a threshold for evaluating traffic impacts does not affect the assessment of SP 310's environmental impacts or mitigation measures in SP 310's certified EIR. (See, for example, *Concerned Dublin Citizens v. City of Dublin* (2013) 214 cal.App.4th 1301 ["However, the adoption of guidelines for analyzing and evaluating the significance of data does not constitute new information if the underlying information was otherwise known or should have been known at the time the EIR was certified"].)

We ask the County to extend the comment period until 30 days after the Nexus Study is available for public review to avoid the proposed moratorium on development and provide the affected public information about whether the County intends to impose the proposed approved VMT Mitigation Fee on already-approved projects with certified EIRs.

Thank you for considering this request.

Sincerely,



Michele A. Staples

Cc: Ms. Charissa Leach, TLMA Director (cleach@rivco.org)
Mr. John Hildebrand, Planning Director (JHildebr@rivco.org)



Response No. 6

Michele A. Staples, Jackson Tidus, A Law Corporation

August 11, 2022

6-1 This comment serves as an introduction. The commentor is representing the owners of the Domenigoni-Barton Specific Plan 310 (“Specific Plan 310”) for which Environmental Impact Report No. 421 (“EIR 421”) was certified by the County. They request that the County extend the public review period of the project’s Draft EIR to 30 days after publication of the Nexus Study that the document refers to. It is noted that the County of Riverside extended the Draft EIR public review period from August 19, 2022 to September 23, 2022 and the Draft Nexus Study was made available for public review on September 8, 2022 on the County website. A final version of the Nexus Study is currently in process. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis under CEQA. Therefore, no further response is warranted.

6-2 The commentor expresses concern regarding the VMT Mitigation Fee and states that the County is proposing programs as part of GPA No. 1207 that have not been vetted with the Winchester community and, if approved, would affect the entire Highway 79 Policy Area. The commentor is also concerned that a building moratorium would occur with project approval and opines that the EIR process should be halted until the Nexus Study is made available. Refer to Response 4-2 for a discussion regarding the Nexus Study. Concerning outreach to the Winchester community, several planning studies and actions have taken place in recent years that have facilitated the proposed project, including the Winchester Land Use Study, the Riverside County 2013-2021 and 2021-2029 Housing Elements (of the General Plan), Caltrans’ Record of Decision regarding the preferred route of the Highway 79 realignment project, described in Draft EIR Section 3.2, *Background and History*, and periodic public meetings to inform the community about the status of the project and to receive public input.

In September 2012, with funding provided by the County’s Economic Development Agency, the conceptual Winchester Land Use Study was completed by Tierra Verde Planning. This study identified preferred land use planning options for the community based on extensive public outreach and public input.

On December 6, 2016, the Board of Supervisors adopted GPA No. 1122 and Change of Zone (CZ) No. 7902, thereby adopting the County’s 2013-2021 “5th Cycle” Housing Element, and as part of that project, amended the Harvest Valley/Winchester Area Plan to establish General Plan Land Use Designations for nine MUA (Mixed-Use Area) and one HHDR (Highest Density Residential) neighborhood areas located in and immediately adjacent to the historic core of Winchester. In addition, these MUA and HHDR neighborhood areas were also rezoned to the County’s new MU (Mixed-Use) and R-7 (Highest Density Residential) Zones, respectively. Together, these neighborhood areas provide the basis for the future development of a more intense, mixed-use, and vibrant and walkable core for Winchester. The County’s 2021-2029 6th Cycle Housing Element Update (adopted June 25, 2024) also includes the amended General Plan Land Use Designations for these neighborhood areas.



On December 16, 2016, the California Department of Transportation (Caltrans) concluded several years of studies and environmental reviews as it signed its Record of Decision establishing Highway 79 Realignment Project Alternative “1br” as its preferred alternative for the highway realignment project, as it moves forward. Project Alternative “1br” would realign and widen Highway 79 throughout the project area to a limited-access, four-lane expressway. This project would provide improved circulation and traffic capacity to accommodate growth in Winchester and surrounding communities.

In addition, the Riverside County Planning Department conducted periodic presentations and workshops related to the project at Winchester-Homeland Municipal Advisory Council (WHMAC) meetings. An initial presentation was held on February 9, 2017, public workshops occurred on May 11, 2017, September 14, 2017, February 8, 2018, and October 11, 2018, and a project update presentation was held on April 14, 2022, June 13, 2024, and August 8, 2024. Last, an update on the project was given to the County Planning Commission on June 5, 2024. The presentation slides and meeting notes are provided for public access on the County’s website for the project and Planning Commission website.

As a result, the County affirms that the project has been adequately vetted with the Winchester community. No delays to the EIR process are necessary nor required in this regard.

Winchester-Homeland Town Association

P.O. Box 122, Winchester, CA 92596
951-926-6924 Fax 951-926-4924

August 11, 2022

County of Riverside Planning Department
Attn: Manuel Baeza, Principal Planner
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Sent via Email

Re: Comments on the Draft Environmental Impact Report for the Winchester Community Plan
(General Plan Amendment No.1207)

Dear Mr. Baeza,

I am submitting the following comments on the Draft Environmental Impact Report for the Winchester Community Plan GPA #1207 on behalf of the Winchester-Homeland Town Association (WHTA).

7-1

The WHTA is a member-based association representing the Winchester Homeland Communities. The Association was established in 1980. This Association along with the Winchester-Homeland Municipal Advisory Council allows forums for community involvement. The community has a Land Use Committee of 15 volunteers that review projects being planned within our communities. WHTA and its members have been involved and have followed this community planning process since it began and are appreciative of the Counties' efforts in assisting with our goal of growing into a model city.

After numerous hours of review, we respectfully submit the following comments:

1. Please refer to page 4.17-23 of the draft EIR. Mitigation TRA-1 states:

7-2

- TRA-1 Prior to commencement of residential development within the Winchester PA and Highway 79 PA (excluding areas in the Downtown Core), the County shall undertake a nexus study and adopt an ordinance creating a Vehicle Miles Travelled (VMT) Mitigation Fee for the Community Plan Area. The VMT Mitigation Fee shall consist of a flat fee applied to any new development within the abovementioned areas and shall fund the development of a Transit Station and Park and Ride facility in the Downtown Core. The Mitigation fee shall not be applied to any residential units developed in the Downtown Core. The ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy Areas (excluding residential development within the Downtown Core).

This mitigation measure states that “prior to commencement of residential development...the County shall undertake a nexus study and adopt an ordinance creating a VMT Mitigation Fee...” Our interpretation of this is that it is a deferred mitigation. We feel that any and all studies that are referred to in this EIR should be part of this EIR, and not put off until some unclear future. Applicants should have a clear understanding of their financial obligations pertaining to fees even before they begin the entitlement process. If a nexus / fee study is required, then it should be undertaken now, and the certification of the EIR should be delayed until the study is complete as part of this process.

In continuing, Mitigation Measure TRA-1 is unclear and unfair. By the strictest interpretations, it would imply that all residential entitlements and all building permits will be halted. This appears to be a moratorium. There are many residential entitlement projects that are in various stages of development, in some cases for years. A moratorium would be devastating to the proponents of these applicants, as well as those that they hire.

There are residential developments that have been entitled, but not yet constructed. Keeping these projects from proceeding would be in violation of the developer’s rights. In most cases, entitled and unbuilt residential projects, including specific plans, have already taken the 9% reduction of the midpoint density of the General Plan land use designation into account. Requiring those projects to either not be processed or to be further reduced in density is unfair.

If the intent is for this mitigation measure to apply only to those residential developments that have not begun entitlements that are also outside of any adopted specific plans or other area that already complies with the existing Highway 79 Policy Area, then it should state as such.

2. Please refer to Page 4.3-35 Mitigation Measures: AQ-8 (e and k)

Please provide clarification for the following comments in regards to these proposed measures. Mitigation Measures AQ-8e and AQ-8k are too vague and do not define what is considered a distribution center nor what is considered a truck trip for traffic analysis purposes.

Most businesses distribute from their facilities, and some have very large distribution facilities. A distribution company is by definition a distributor, but it is their business to bring product in and then send it out to the ultimate user of product.

100 truck trips – how was this determined? Is it 50 trips both in and out that equal 100? What is the definition of a truck; a pickup, a van, a UPS or Amazon truck, mid-size trucks, large trucks?

As an example, a project that consists of multiple smaller (i.e., less than 100k sf) buildings or buildings of over 100,000 sf that are leased to multiple tenants may generate more than 100 trips a day when the total project trip generation is considered and could be subject to the buffer requirements of both mitigation measures.

A 1000 ft distance is designated as required separation between “distribution centers” and existing sensitive land uses. If a proposed business park area of the plan is located adjacent to proposed residential land uses and contains existing residential homes scattered throughout, the requirement of 1,000 ft buffer from existing and proposed sensitive receptors would effectively eliminate the possibility of any distribution centers in the newly proposed business park areas of the plan.

We do believe that further discussions with the County and the Community on the appropriate types of uses and building types within the business park areas is critically important. The Mitigation Measures must allow for variety of businesses to succeed and not be so constrained that they will never locate in Winchester.

3. Density Transfer's

The draft EIR refers numerous times to density transfers. We are supportive of the use of density transfers. In most instances the use of the density transfers is used on a per site basis. We had envisioned the use of this same concept but extending it to involve transferring to other areas within the community plan. The County has allocated a large number of dwelling units in the highest density residential (HHDR) category in and surrounding the Downtown Core Area. This required minimum density is an obstacle to the commencement of development in the mixed use and HHDR areas of the Winchester Community Plan and may be inappropriate for areas immediately outside of the defined Downtown Core Area. The HHDR and mixed-use areas do not have the existing infrastructure to support the density proposed. In order to facilitate development of the Downtown Core Area, a density transfer program could be implemented that allows for transfer of density from parcel to parcel within the Downtown Core Area. In addition, this policy should allow for density to be transferred out of the mixed use and HHDR areas surrounding the Downtown Core Area to the broader Winchester Community Plan Area. We discussed this early in the community planning process with both Kimley-Horn and Jerry Joliffe. We hired a consultant with examples and information on Density Transfer Programs (DTP) and supplied that information to them. We believe this type of program along with other incentives are needed to make these areas successful.

In conclusion:

- We would respectfully request that the County not move forward with the GPA 1207 until the nexus study is completed regarding TRA-1. This will allow for proper public comment.
- Provide clarification to language and comments raised regarding items listed in the Mitigation Measures AQ-8 (e & k).
- Reconsider discussions on the potential for a community wide Density Transfer Program.

Once again, WHTA is appreciative of the County's efforts in allowing our participation in the future planning and development of our communities. If you have any questions or wish to further discuss you can reach me at (951)-926-6924.

Sincerely,



Kim Wortman, President
Winchester-Homeland Town Association

cc: Chuck Washington, 3rd Dist. Supervisor
Winchester-Homeland MAC
Robyn Brock, Deputy Chief of Staff to Supervisor Chuck Washington



Response No. 7

Kim Wortman, President, Winchester-Homeland Town Association

August 11, 2022

- 7-1 This comment provides a general introduction. The commenter is a representative of the Winchester-Homeland Town Association. Responses to specific comments are provided below.
- 7-2 The commenter refers to Mitigation Measure TRA-1, which outlines the requirement for the County to undertake a nexus study and adopt a VMT Fee for new development within the Winchester PA and Highway 79 PA. They express that the study and fee should be part of the project's EIR, and that certification of the EIR should be delayed until they are completed. The commenter also expresses disagreement with the language of TRA-1, expressing that it indicates a moratorium on development and is unclear whether this would also apply to previously entitled developments. Refer to Response 4-2.
- 7-3 The commenter states that Mitigation Measures AQ-8(e) and AQ-8(k) are too vague in regard to how "distribution center," "truck," and "truck trips" are defined for traffic analysis purposes. The commenter also requests information on how 100 truck trips was determined as a threshold in these measures. Last, the commenter expresses concern that the 1,000-foot distance required in AQ-8(k) would prevent the development of distribution centers in the proposed business park area. South Coast Air Quality Management District (SCAQMD) uses the term "distribution center" synonymously with the term "warehouse." These terms are defined in Rule 2305, *Warehouse Indirect Source Rule*, as buildings that store cargo, goods, or products on a short- or long-term basis for later distribution to businesses and/or retail customers. Trucks are heavy duty vehicles and are classified in size by Gross Vehicle Weight Rating (GVWR); for example a Class 2B Truck is a truck with a GVWR of 8,501 to 10,000 pounds. "Truck trips" are defined in Rule 2305 as the one-way trip a truck or tractor makes to or from a site with at least one warehouse to deliver or pick up goods stored at that warehouse for later distribution to other locations. A truck or tractor entering a warehouse site and then leaving that site counts as two trips. Further, the requirements identified in Mitigation Measure AQ-8 are standards recommended or required by the California Air Resources Board (CARB) and/or SCAQMD. The County of Riverside would review future site specific development proposals to determine whether these uses would occur in order to verify that projects meet applicable CARB and SCAQMD requirements/standards as site specific development occurs.
- 7-4 The commenter refers to density transfers, which were included in the Draft EIR's Regulatory Setting discussion on Land Use Element policies LU 9.4, LU 15.7, and LU 19.1. These allow development clustering and/or density transfers to preserve open space, natural resources, cultural resources, and biologically sensitive resources (see Draft EIR page 4.4-18); to help implement Rural Village Overlay Study Areas and the Multi-Species Habitat Conservation Program (see Draft EIR page 4.4-18); and to meet airport compatibility requirements (see Draft EIR page 4.9-15). The commenter is concerned that the proposed Highest Density



Residential and Mixed-Use areas wouldn't have the infrastructure to support the projected population density. The commentor expresses their support for the use of density transfers, and provides a suggestion for a density transfer program to promote development in the Downtown Core area. However, as described in Draft EIR Section 4.14, *Population and Housing*, the project would have a less than significant impact to population and housing and thus is not anticipated to significantly impact infrastructure. As stated on Draft EIR page 4.14-10, the forecast population growth associated with the project would occur incrementally through 2040, allowing for development of necessary services and infrastructure commensurate with the proposed growth. Future development projects will be subject to the regulatory framework including the application of General Plan policies LU 5.1, LU 5.2, C 1.1, and C 1.5 which will ensure that future growth does not exceed the capacity of the necessary infrastructure and circulation systems in the project area. Therefore, the project's potential impacts concerning inducing substantial unplanned population growth in the County directly or indirectly, would be less than significant, and the project would not involve significant impacts to infrastructure in this regard.

- 7-5 This comment provides concluding remarks and summarizes the comments above. The commentor provides contact info for questions or further discussion. This comment is acknowledged and does not raise any additional environmental issues. No further response is necessary.

From: Daniel Boyd <DBoyd@drhorton.com>
Sent: Friday, August 12, 2022 11:40 AM
To: Baeza, Manuel <MBaeza@Rivco.org>
Cc: Jon J Myhre <JJMyhre@drhorton.com>
Subject: GPA 1207 (NOC -DEIR) - Winchester Community Plan

CAUTION: This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Manuel:

8-1 | Thank you for the opportunity to comment on the above subject matter. Overall, the DEIR is well prepared and addresses several important topics. A concern relates to the overall VMT discussion related to a potential fee structure and timing thresholds suggested in the DEIR. First, the DEIR clearly states that at this time no VMT projects or future improvement(s) have either been identified or planned. Therefore, any specific fee or structure to levy a fee without a formal "Nexus" study seems to violate State law?

8-2 | Secondly, the document narrative even seems to suggest this DEIR does not identify or purports any VMT mitigation that a fee could be included. Lastly, we strongly disagree with any notion imposing any building permit limitations until such VMT mitigation is identified.

Again, thank you for the opportunity to comment for the Administrative Record.



DAN BOYD
Vice President - Entitlements
D.R. HORTON
2280 Wardlow Circle, Ste. 100, Corona, CA 92880
o: 951.739.5444 m: 949.872.8369

Home for every stage in life. | D.R. Horton · Express · Emerald · Freedom



Response No. 8

Dan Boyd, Vice President - Entitlements, D.R. Horton

August 12, 2022

- 8-1 The commentor expresses their concern related to the fee programs discussed as VMT mitigation in Draft EIR Section 4.17, *Transportation*. They correctly describe that as a programmatic EIR, the future development referred to in the document is not yet planned or identified. The commentor asks whether such a fee structure could be placed without performing a nexus study. Refer to Response 4-2.
- 8-2 This comment expresses concern that the EIR does not specify future improvements for which VMT mitigation fees would be used. The commentor also expresses their disagreement with the restriction of building permit issuance until after the establishment of a VMT mitigation fee. Refer to Response 4-2.

From: Casey Mungo <casey.mungo@icloud.com>

Sent: Friday, August 12, 2022 12:33 PM

To: Baeza, Manuel <MBaeza@Rivco.org>

Subject: Comment regarding GPA 1207

9-1

At the Winchester MAC meeting last night they mentioned we could send our comments to you regarding the GPA 1207.

I just wanted to say I am very happy to see the expansion of the Industrial and Business Park zones off Simpson between Beeler and California. We definitely need more jobs in Winchester and I believe this is the right approach. It will also add significant tax revenue to the county once these areas are developed. Thanks



Response No. 9
Casey Mungo, Resident
August 12, 2022

- 9-1 The commentor states their support for the expansion of Industrial and Business Park zones off Simpson Road. This comment is noted. It does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted. (State CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

From: Nifty LED <info@niftyled.com>
Sent: Saturday, August 13, 2022 8:00 AM
To: Baeza, Manuel <MBaeza@Rivco.org>
Subject: GPA1207 - Public Comments

10-1 | I'm very glad to see that there is more commercial zoning along Simpson. More jobs in the area
| would be excellent!
| Nate
| Nifty LED



Response No. 10
Nate, Resident
August 13, 2022

10-1 The commentor states their support for more commercial zoning along Simpson Road. This comment is noted. It does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted. (State CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Markham DS

BRIDGE CHALLENGES / DEVELOP SOLUTIONS



August 15, 2022

Mr. Manuel Baeza, Principal Planner
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Re: Comments on the Winchester Community Plan Public Review Draft Program Environmental Impact Report, SCH#2019049114

Dear Mr. Baeza:

The County of Riverside has published the Winchester Community Plan Draft Program Environmental Impact Report (DPEIR) to address the potential environmental impacts from implementing an amendment to the Riverside County General Plan that includes the following actions:

1. Expansion of the existing Winchester Policy Area from approximately 287 acres to approximately 23,153 acres of land within the General Plan's Harvest Valley/Winchester Area Plan.
2. Amending the boundaries of the General Plan's Harvest Valley/Winchester, Sun City/Menifee, and Southwest Area Plans so that the expanded Winchester Policy Area falls within the limits of the Harvest Valley/Winchester Area Plan only.
3. Revising land use designations within the expanded Winchester Policy Area, including Foundation Component amendments. Approximately 227 parcels totaling 1,480 acres would require Foundation Component Amendments that include changes from the Rural and Rural Community Components to the Community Development Component. Consistency zoning revisions for approximately 921 parcels would occur in the future as a result of the revised land use designations proposed as part of the project and are analyzed as part of this EIR.
4. Amending the General Plan's Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Menifee Valley Area Plan to revise the existing Highway 79 Policy Area language by removing the 9% reduction in density for residential projects. This policy will be replaced with a fee on newly entitled dwelling units (not dwelling units already entitled), to fund mobility related improvements, such as, but not limited to, a vehicle park-n-ride and transit station within the Winchester downtown core area.....

The project proposes planning policies and direction to guide change, promote quality development, and implement the community's vision for the area....

Although the preceding policies are focused on broad programmatic goals and objectives, the purpose of my comments is to address one particular property that is one of the 227 parcels that requires a Foundation Component Amendment. We represent the owners of property located within the northern portion of the newly designated Winchester Community Plan (Plan). The property is located at the southwest corner of the intersection of Leon Road and Grand Avenue

Markham DS

BRIDGE CHALLENGES / DEVELOP SOLUTIONS



and encompasses Assessor Parcel Numbers (APNs) 461-140-033 through 36. This property is currently designated as Light Industrial and zoned R-R and it encompasses approximately 6.09 acres. This land use designation makes sense for the following three reasons: (1) The property is located adjacent to the railroad tracks, which though presently not in use, represent the primary route for extending passenger rail to the City of Hemet; (2) the property is located at an intersection that will be heavily used in the future as the Plan area is built out, i.e., resulting in both high noise levels and an unsafe level of traffic activity; and (3) the property is located across the Railroad Right of Way from the Eastern Municipal Water District (EMWD) treated effluent storage ponds. For these reasons it came as a surprise that the property has been re-designated for residential use in the proposed Plan. As outlined in the following comments, this change is illogical and inconsistent with many of the new Plan policies and the proposed change in Plan designation should be reversed and the property should retain the Light Industrial land use designation.

To assist with understanding the inconsistency of a residential designation at this location, the attached aerial photo shows the property in relation to the surrounding environment. Also, as the County is aware, the mapping scale in the DPEIR is so large scale that it is very difficult to illustrate the property land use designation and zoning. Exhibit 3-9 of the DPEIR does not clearly show the property with its existing Light Industrial designation and RR zone. As the aerial photo clearly indicates, the project site is or will be exposed to activities that are not compatible with residential land use, including future rail noise, future traffic noise, and the potential odors and vectors associated with the adjacent EMWD storage ponds.

For example, regarding future noise, Table 4.13-9 predicts that Leon Road between Simpson and Grand Avenue will have 37,670 trips per day and generate a dBA Ldn of 73.1; similarly Grand Avenue east of Leon Road will have 54,240 trips per day and generate a dBA Ldn of 74.4. This level of background sound, let alone the traffic activity at a very busy intersection, is wholly inconsistent with the residential land use designation/classification for the property. Due to the small size of the property, there is clearly insufficient space to buffer residential use at the site from the noise and let alone expose the site to the future projected traffic volumes at the intersection of Leon and Grand.

As stated in Policy LU 28.6: *Require setbacks and other design elements to buffer residential units to the extent possible from the impacts of abutting agricultural, roadway, commercial, and industrial uses.* It is clear that both due to the size and surrounding land uses (road circulation system, future railroad operations, and the adjacent EMWD storage ponds), the property is not suitable for residential use and the land use designation, classification for light industrial uses should be retained. This is further supported by Policy LU 31.2 which states: *Protect major public facilities, such as landfill and solid waste processing sites and airports, from the encroachment of incompatible uses.* The adjacent railroad tracks and the EMWD storage ponds are both major public facilities that should not be encroached on by residential uses.

The following policies identified in the Plan also support retention of the property for future industrial use:

Markham DS

BRIDGE CHALLENGES / DEVELOP SOLUTIONS



Mitigation Measure AQ-9: *In the event a potential odor source is proposed near an existing sensitive receptor, the County of Riverside shall verify that project plans maintain an adequate buffer between potential new odor sources and receptors such that emitted odors are dissipated before reaching the receptors (minimum of 500 feet depending on the odor source)*

From the Healthy Communities Element: *HC 14.1 When feasible, avoid siting homes and other sensitive receptors near known or anticipated sources of pollution.*

HC 14.2 When feasible, avoid locating new sources of air pollution near homes and other sensitive receptors.

HC 16.5 Evaluate the compatibility of unhealthy and polluting land uses being located near sensitive receptors including possible impacts on ingress, egress, and access routes. Similarly, encourage sensitive receptors, such as housing, schools, hospitals, clinics, and childcare facilities to be located away from uses that pose potential hazards to human health and safety.

There are other policies (LU 11.3, AQ 2.1, and AQ 2.2) that reference the same issue of maintaining separation from activities that could harm public health. By examining the aerial photo, it again clearly shows that the property is bounded by conflicting uses that could harm public health. Specifically, the EMWD storage ponds can be sources of water-related odors, and during maintenance when the ponds are being dried a combination of odors and fugitive dust can be generated. Second, the property is located near a major intersection that is forecast in the DPEIR to generate both air pollutant emissions and harmful levels of noise. Finally, future rail operations (rarely mentioned in this DPEIR) would occur along the southern boundary of the property. Thus, this property is bounded by on three sides by incompatible uses and re-designating the property for residential use is, based on the Plan's own policies, a significant adverse impact that is not given any discussion or attention in the DPEIR. We realize the Plan PEIR is intentionally focused on the large picture, but when such overt conflict between policies and land uses occur, it cannot be ignored.

We believe the simple solution is to simply retain the existing land use designation, Light Industrial, of this property and remove it from the list of properties the require a Foundation Component Amendment. Alternatively, we believe the County must revise the DPEIR to address the inconsistencies documented in the preceding text. The information provided above unequivocally substantiates that the Plan will result in at least the significant conflicts identified above, and most probably at many other locations. We look forward to responses to the issues that we have raised in the preceding comments.

Sincerely,

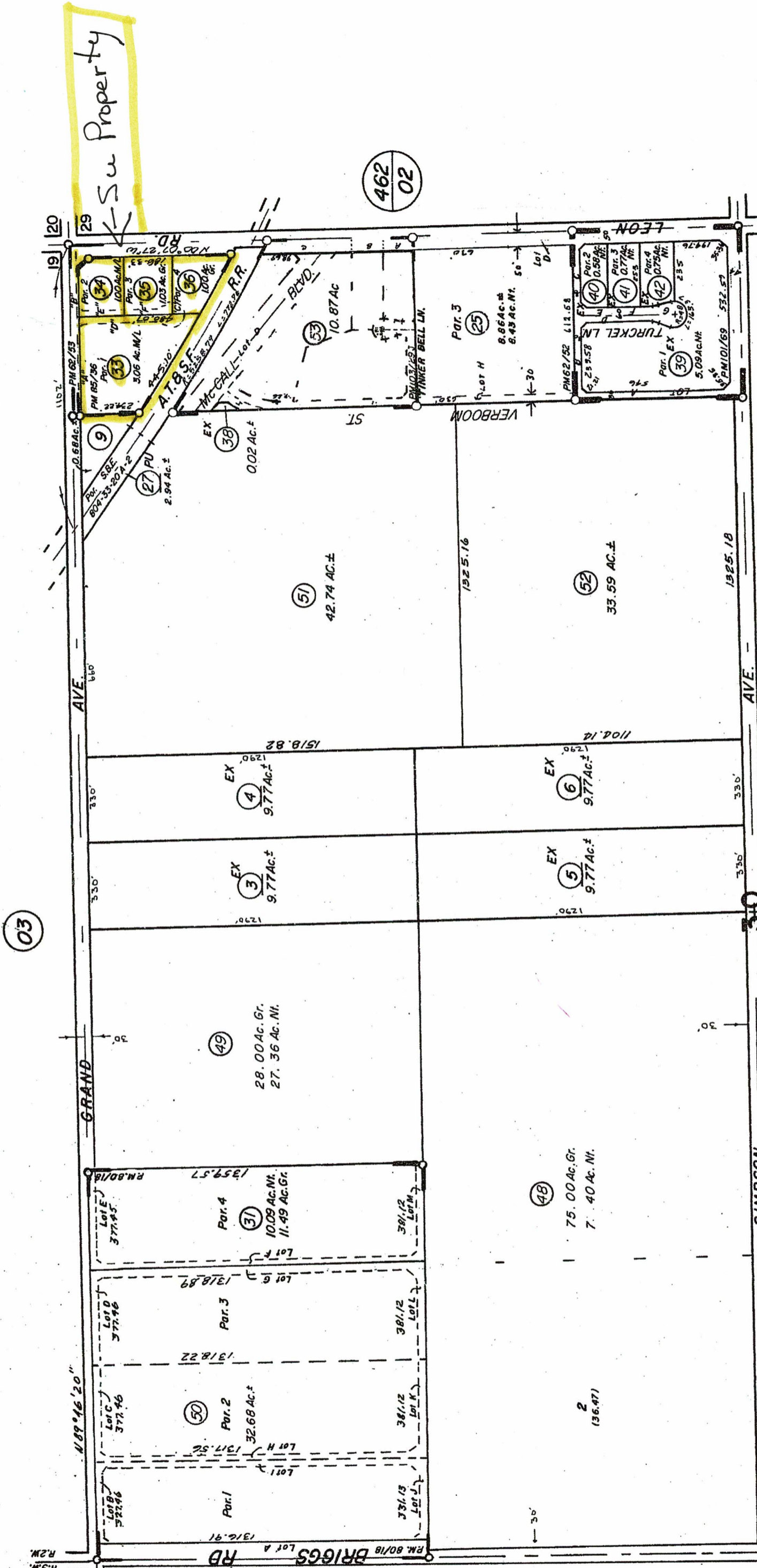
A handwritten signature in black ink, appearing to read 'Larry Markham', with a long, sweeping underline.

Larry Markham

T.C.A. 8914

N. 2 SEC. 30, T. 5 S., R. 2 W.

THIS MAP IS FOR ASSESSMENT PURPOSES ONLY



- P.M. 62/53 Parcel Map 11157
- P.M. 80/18 " " 10275
- P.M. 85/36, Parcel Map No. 15065
- P.M. 101/69 " " " 17324
- P.M. 103/29 " " " 16441


Defn: G.L.O.
 S.E.E. 804-33-20A-2
 R.M. 44/01
 R.S. 70/38
 L.L.A. 2899
 P.M. 853

JUL 30 1991
 ASSESSOR'S MAP BK. 461 PG. 14
 RIVERSIDE COUNTY, CALIF.

Site Location 9B

Intersection of Leon Road and Grand Avenue, east of Menifee

Legend

 Leon Rd & Grand Ave



Leon Rd & Grand Ave

Simpson Rd

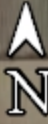
Simpson Rd

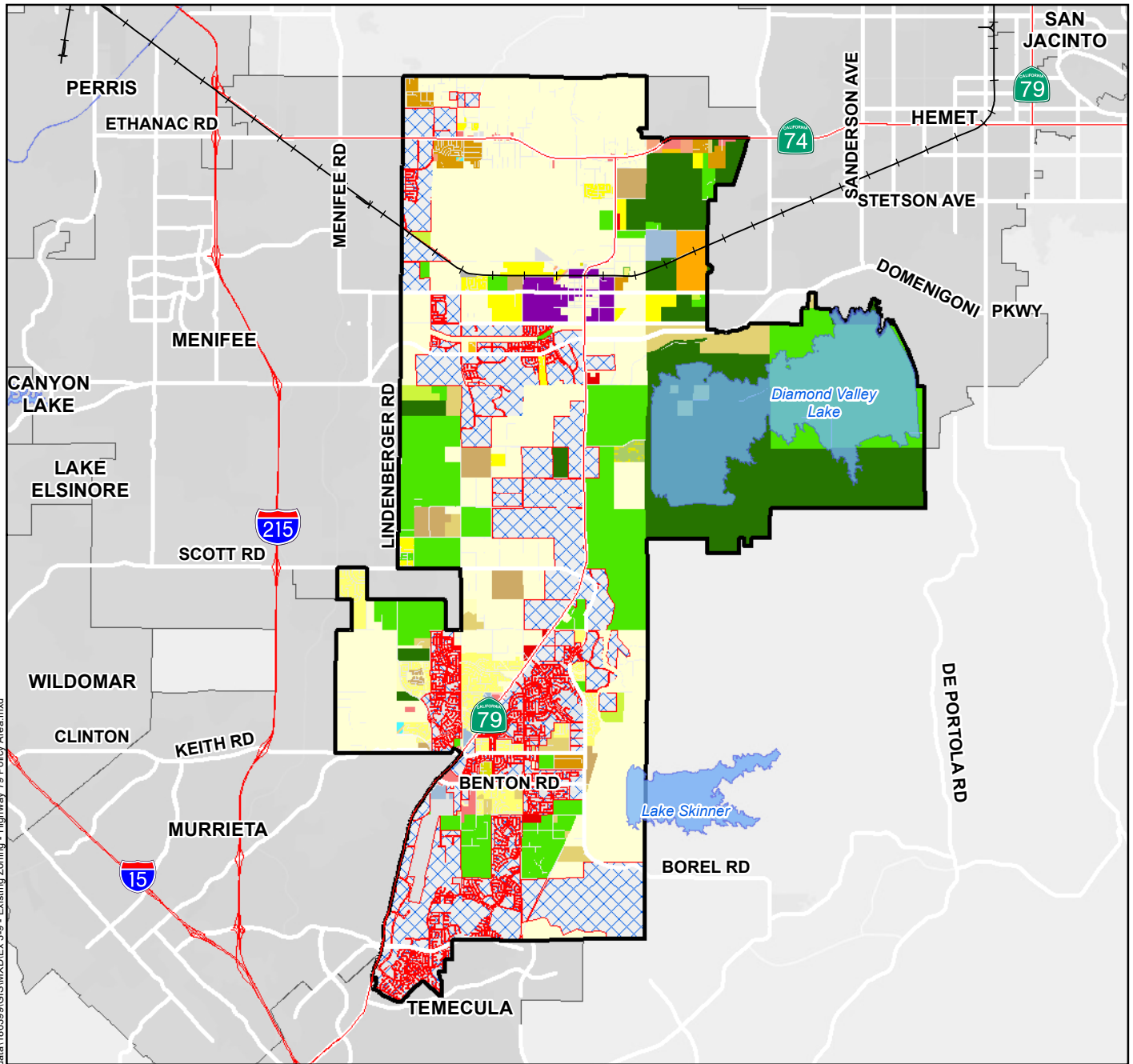
Simpson Rd

Google Earth

Leon Rd

3000 ft

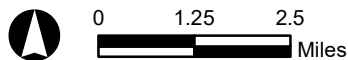




11/11/2021, 11:41:00 AM, H:\pataay\GIS\MXD\Ex 3-9 - Existing Zoning - Highway 79 Policy Area.mxd

Legend

- | | | |
|--|---|--|
| Highway 79 Policy Area | One-Family Dwellings (R-1) | Agriculture, Poultry (A-P) |
| City Boundary | Multiple-Family Dwellings (R-2) | Rural Residential (R-R, R-2 1/2) |
| Commercial Office (C-O) | General Residential (R-3) | Rural Residential (R-R) |
| General Commercial (C-1, C-P) | Planned Residential (R-4) | Residential Agricultural (R-A, A-1, A-1 1/2, A-2 1/2, A-5) |
| Scenic Highway Commercial (C-P-S) | Open Area Combining Zone - Residential Dev. (R-5) | Industrial Park (I-P) |
| Controlled Development Areas (W-2) | Highest Density Residential (R-7) | Manufacturing, Medium (M-M) |
| Controlled Development Areas with Mobilehomes (W-2-M-20) | Regulated Development Areas (R-D) | Manufacturing, Service Commercial (M-SC) |
| Controlled Dev. Areas with Mobilehomes (W-2-M-2 1/2, 20) | Light Agriculture (A-1-1, A-1-2 1/2, 1-5, 1-10, 1-15, 1-20) | Mixed Use (MU) |
| Mobilehome Park (R-T) | Heavy Agriculture (A-2-10) | Specific Plan (S-P) |
| Mobilehome Subdivision, Rural (R-T-R-2 1/2) | Heavy Agriculture (A-2-2 1/2, 2-5, 2-10) | Watercourse (W-1) |
| One-Family Dwellings (R-1, 13000, 20000) | Agriculture, Dairy (A-D) | Waterbodies |



Source: County of Riverside, ESRI

WINCHESTER POLICY AREA
ENVIRONMENTAL IMPACT REPORT

Existing Zoning – Highway 79 Policy Area



Response No. 11

Larry Markham, Markham DS

August 15, 2022

- 11-1 This comment provides a general introduction. Responses to specific comments are provided below.
- 11-2 The commentor represents the owners of Assessor Parcel Numbers 461-140-033 through 036, and describes the relative location of these parcels in the Winchester Community Plan vicinity. They state that the property currently has a General Plan Land Use Designation of Light Industrial and is zoned Rural Residential, which they suggest is a logical designation due to its proximity to railroad tracks, an intersection with potential future noise impacts, and the EMWD treated effluent storage ponds. The commentor states that the project's proposed re-designation of the parcels for residential use is concerning for the same reasons. The County of Riverside agrees with the commentor's concerns and will retain the site's existing General Plan Land Use Designation of Light Industrial and Rural Residential zoning. Retaining the existing General Plan Land Use and Zoning Designations for these four parcels would not result in a more intensive use above existing conditions and thus would not result in new impacts not previously evaluated in the Draft EIR; therefore, recirculation of the Draft EIR would not be warranted. This revision has been made to Draft EIR Exhibit 3-11, *Proposed Winchester Policy Area Land Use Designation Changes*, and is reflected in Final EIR Section 4.0, Draft EIR Text Revisions.



August 16, 2022

Manuel Baeza
Principal Planner
Riverside County
4080 Lemon Street
Riverside, CA 92501

**Subject: Winchester Community Plan
General Plan Amendment No. 1207**

Dear Mr. Baeza:

Eastern Municipal Water District (EMWD) thanks you for the opportunity to review the General Plan Amendment for the Winchester Community Plan. The Winchester CP area is located in eastern Riverside County (County) and is generally bounded by Double Butte County Park and Stetson Avenue to the north, California Avenue and Diamond Valley Lake to the east, Scott Road to the south, and Briggs Road to the west. The Winchester CP area is within the water service area of the District, and spans EMWD's Perris Valley South Operational Service Area, including the 1627 Perris Valley Pressure Zone (PZ), a very small portion of 1698K Keller PZ, 1934 East Holland PZ, and the 1720 Winchester Hills PZ, as well as the San Jacinto Valley Operational Service Area, including the 1719 Fruitvale PZ and 1650 Winchester Regulated PZ. The subject area is also within EMWD's sewer service area with flows from the Winchester CP area tributary to EMWD's Perris Valley Regional Water Reclamation Facility (PVRWRF).

Under General Plan Amendment 1207, the General Plan land use map would be revised to expand the Winchester Community Plan, make changes to land use designations for some parcels in the area, make amendments to various policy area boundaries and create new design guidelines for the Winchester Policy Area.

EMWD offers the following comments:

Board of Directors

Philip E. Paule, *President* | Randy A. Record, *Vice President* | Jeff Armstrong | Stephen J. Corona | David J. Slawson

2270 Trumble Road • P.O. Box 8300 • Perris, CA 92572-8300

T 951.928.3777 • F 951.928.6177 | www.emwd.org

12-2 | Due to the significant impacts that these changes will have on EMWD's facilities, master plan updates for both the water and wastewater collection systems were initiated for the Winchester Community Plan area. The regional infrastructure required to mitigate the impacts of the proposed land use changes has been evaluated and incorporated into EMWD's long-term capital improvement program (CIP).

12-3 | At the local level, as individual projects move forward under the new land use, developers will need to coordinate with EMWD to determine the availability of water and sewer service and coordinate the construction of local infrastructure to serve their respective developments.

If you have questions or concerns, please do not hesitate to contact me at (951) 928-3777, extension 4813 or by e-mail at boettchd@emwd.org.

Sincerely,



Demian Boettcher, P.E.
Principal Civil Engineer

DB:sgc

Attachment: Copy of Public Notice

c: file



Response No. 12

Demian Boettcher, Principal Civil Engineer, Eastern Municipal Water District

August 16, 2022

12-1 This comment provides a general introduction. Responses to specific comments are provided below.

12-2 The commentor states that the changes proposed in the Winchester Community Plan would have significant impacts on Eastern Municipal Water District's (EMWD) facilities, which has led EMWD to initiate master plan updates for the area in question. However, the utilities analysis described in Draft EIR Section 4.19, *Utilities*, concludes that the proposed project would result in less than significant impacts to water and wastewater services; refer to the discussion in Impacts UTL-1 and UTL-3. Draft EIR Section 4.19, *Utilities*, concludes that, while future development associated with the project may require new or expanded utilities, these demands would occur incrementally through 2040. As stated on Draft EIR page 4.19-15, the County and EMWD "would review future development on a project-by-project basis through the County's entitlement review process and EMWD's Will-Serve process to ensure the availability of water supplies." In addition, as discussed in Draft EIR Section 4.14, *Population and Housing*, the forecast population growth associated with the project would occur incrementally through 2040, allowing for development of necessary services and infrastructure commensurate with the proposed growth. Future development projects will be subject to the regulatory framework indicated above including the application of General Plan policies LU 5.1, LU 5.2, C 1.1, and C 1.5, which would ensure that future growth does not exceed the capacity of the necessary infrastructure in the project area. Therefore, the project's potential impacts concerning inducing substantial unplanned population growth in the County directly or indirectly would be considered less than significant.

The County acknowledges that EMWD has evaluated mitigation for the impacts anticipated by the proposed land changes and has incorporated their findings into EMWD's long-term Capital Improvement Program (CIP). As buildout of the project would occur incrementally through 2040 and the Draft EIR concluded that impacts related to population growth would be less than significant, compliance with existing laws, regulations, and General Plan policies pertaining to water conservation would reduce potential effects related to water and sewer services to less than significant levels.

12-3 This comment states that developers of individual projects in the future would need to coordinate with EMWD to determine availability of water and sewer service. Refer to Response 12-2, above. The comment is noted by the County.

Swancott, Paul

From: Baeza, Manuel
Sent: Tuesday, August 16, 2022 8:03 AM
To: Swancott, Paul
Subject: FW: GPA 1207 Feedback

Paul,

A comment on Winchester.

From: Steven Keung <keungsteven@gmail.com>
Sent: Tuesday, August 16, 2022 8:02 AM
To: Baeza, Manuel <MBaeza@Rivco.org>
Subject: GPA 1207 Feedback

CAUTION: This email originated externally from the Riverside County email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

This Winchester area desperately needs new development and jobs. I'm really happy to see the new industrial and business park zones off Simpson- we really need it.

Thank you,
Steven

13-1



Response No. 13
Steven Keung, Resident
August 16, 2022

- 13-1 The commentator states their support for the expansion of Industrial and Business Park zones off Simpson Road. This comment is acknowledged. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted. (State CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

**CADO INDIGO, LLC & CADO TANGERINE LLC
1545 Faraday Avenue
Carlsbad CA 92008**

August 16, 2022

VIA ELECTRONIC MAIL (mbaeza@rivco.org)

Mr. Manual Baeza
County of Riverside
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

**RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE WINCHESTER COMMUNITY
PLAN (GENERAL PLAN AMENDMENT NO. 1207)**

Dear Mr. Baeza,

I am writing on behalf of the ownership entities which own Tract 30808-1 and the expired Tract 30808-F, both located east of Leon Road, south of Olive Avenue and north of Salt Creek within the approved Specific Plan No. 293 and the Highway 79 Policy Area.

I have reviewed the DEIR for the Winchester Community Plan (General Plan Amendment No. 1207 and have the following comments on Mitigation TRA-1 which states:

14-1

TRA-1 Prior to commencement of residential development within the Winchester PA and Highway 79 PA (excluding areas in the Downtown Core), the County shall undertake a nexus study and adopt an ordinance creating a Vehicle Miles Travelled (VMT) Mitigation Fee for the Community Plan Area. The VMT Mitigation Fee shall consist of a flat fee applied to any new development within the abovementioned areas and shall fund the development of a Transit Station and Park and Ride facility in the Downtown Core. The Mitigation Fee shall not be applied to any residential units developed in the Downtown Core. The ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy Areas (excluding residential development within the Downtown Core).

14-2

As written, TRA-1 requires the County to undertake a nexus study and adopt an ordinance creating a new VMT mitigation fee prior to the commencement of residential development within the Winchester PA. Does "commencement of residential development" refer to issuance of a grading permit? Building permits? The language is not only vague, but equates to a moratorium on residential development even for projects that have full approvals. Approved projects should not be subject to a new VMT mitigation fee since Level of Service was the required analysis at the time of CEQA approval. Any nexus study referred to in the EIR should be part of the EIR so project owners can understand the financial requirements of projects.

Ownership of the above projects request that 1) the nexus study be completed as soon as possible and be included in the EIR, 2) the future VMT fee only be assessed on projects that do not have existing approvals, and 3) approved projects may move forward with development immediately.

Thank you for considering our request.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Hayden', written over a horizontal line.

Mark Hayden
Vice President
Capstone Advisors

Cc: Ms. Charissa Leach, TLMA Director (cleach@rivco.org)
Mr. John Hildebrand, Planning Director (jhildebr@rivco.org)



Response No. 14

Mark Hayden, Vice President, CADO Indigo, LLC & CADO Tangerine, LLC

August 16, 2022

- 14-1 This comment provides a general introduction. The commentor represents the owners of Tract 30808-1 and the expired Tract 380808-F, which are located east of Leon Road, south of Olive Avenue, and north of Salt Creek within Specific Plan No. 293 and the Highway 79 Policy Area. Responses to specific comments are provided below.
- 14-2 The commentor refers to Mitigation Measure TRA-1, which outlines the requirement for the County to undertake a nexus study and adopt a VMT Fee for new development within the Winchester Policy Area and Highway 79 Policy Area. They ask for clarification on whether the language “commencement of residential development” refers to issuance of grading permits or building permits. As stated in the last sentence of Mitigation Measure TRA-1, the ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy Areas. They also state that approved projects should not be subject to a new VMT mitigation fee. Refer to Response 4-2.



Samuel C. Alhadeff
3 Better World Circle, Suite 100
Temecula, California 92590
Samuel.Alhadeff@lewisbrisbois.com
Direct: 951.252.6152

August 17, 2022

VIA E-MAIL & U.S. Mail

Paul Swancott, Project Manager
County of Riverside
TLMA Planning Department
4080 Lemon Street
Riverside, CA 92501
Email: PSwancott@rivco.org

Re: Comment to County of Riverside Winchester Community Plan EIR
Sunranch Communities, LLC, owners of certain real property designated in its application as the Matthews Ranch located just outside the City of Menifee on the northside of Matthews Road to the east of Briggs Road and to the west of Double Youth Park in the unincorporated area of Winchester

Dear Mr. Swancott:

This comment letter really embraces two issues:

1. The applicant is generally in support of the proposed Winchester Community Plan.
2. There are exceptions to the general support of the Plan.

Let us address first the exceptions to the general support of the proposed Community Plan. The current zoning on the property is AP (Agriculture Poultry) and is designated in the General Plan as light industrial. The applicant/commentator believes that both of these designations to be incompatible to existing surrounding residences in terms of both odors and traffic and is going to be proposing medium-high residential zoning, as well as, a General Plan designation to be more consistent with the surrounding area. The surrounding area includes the Menifee Valley Ranch within the City of Menifee and the Winchester Hills Specific Plan and the proposed Menifee North Specific Plan all residential units. Apparently, one of the reasons this project was considered for light industrial is because of the nature of the extension of the rail facilities contiguous to the property. However, the Winchester MAC is supportive of transit oriented extension of the metro line as opposed to any commercial activity for this line. It is the desire of the Winchester Municipal Advisory Council to see an extension of the metro link service that currently ends in south Perris extended to the proposed town site of Winchester.

15-1

In addition to these particular issues, the proposed change will have a significant positive benefit to traffic overall under the Highway 79 Policy as it currently exists. Basically it would relieve and reduce traffic by at least 129 fewer daily trips than a reasonable estimate development under the existing light industrial. Finally, we all know the state is desperately in need of additional housing in the Inland Empire area.

15-2

With those comments as background then the applicant/commentor supports the Winchester Community Plan with one following exception. A concern over Mitigation Measure TRA-1. This mitigation measure would institute a Nexus study, adopt an ordinance under Vehicle Miles Traveled for a mitigation fee for the Community Plan area. This VMT mitigation fee is proposed to consist of a flat fee applied to any new development within the planning area and is designed to fund the development of a transit station and a park and ride facility in the downtown core which again supports the MAC proposal that this extension should be transit oriented. Accordingly, the concern is the unknown. Is this Nexus study complete? Will property owners be entitled to review the Nexus study and comment? How long with the Nexus study analysis take and what is the impact on an already arduous time to plan and develop residential property in California.

Another reason for this concern is the proposed ordinance and resulting mitigation fee has to be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy area except a certain residential development area within what is defined as the downtown core.

15-3

TRA-3 appears to add another layer of CEQA evaluation and discretionary permit analysis. However, with our applicant's proposal that their property be re-designated as medium-high density residential this issue may be avoided and in fact, would be helpful with regard to the proposed Mitigation Measure TRA-3.

15-4

In summary, the applicant/property owner supports the Winchester Community Plan with the observations and exceptions set forth in this letter. If there are any questions, please do not hesitate to contact the undersigned or the planning consultant for this applicant, Matthew Fagan, Matthew Fagan Consulting Services, Inc., 42011 Avenida Vista Ladera, Temecula, CA 92591, 951-265-5428. matthewfagan@roadrunner.com.

Very truly yours,



Samuel C. Alhadeff of
LEWIS BRISBOIS BISGAARD & SMITH LLP

SCA:ch

cc: John Hildebrand
Planning Director
JHildebr@RIVCO.ORG



Response No. 15

Samuel C. Alhadeff, Lewis Brisbois Bisgaard & Smith, LLP

August 17, 2022

- 15-1 The commenter requests that the Zoning and General Plan Land Use Designation on their property be changed from Agriculture Poultry (AP) and Light Industrial to Medium-High Residential. The County will consider this comment during project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis under CEQA. Therefore, no further response is warranted. (State CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)
- 15-2 The commenter questions whether the Nexus Study required under Mitigation Measure TRA-1 is complete and whether it will be made available for review. Refer to Response 4-2.
- 15-3 The commenter states that Mitigation Measure TRA-3 “appears to add another layer of CEQA evaluation and discretionary permit analysis.” This comment is acknowledged. The comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted.
- 15-4 The commentor offers concluding remarks and contact information. The comment does not raise a specific issue regarding the adequacy of the Draft EIR or its environmental analysis, and no further response is warranted.

JPMB Investments, LLC

August 17, 2022

VIA EMAIL

Manny Baeza, Principal Planner
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501
mbaeza@rivco.org

Re: Comments on Winchester Community Plan Public Review Draft Program Environmental Impact Report (DPEIR);
State Clearinghouse No. 2019049114

Dear Mr. Baeza:

16-1

I am the Manager of JPMB Investments, LLC (JPMB) which is currently under contract to purchase 77.7 acres of land at the northeast corner of El Centro and Scott Road (APN 466-220-029) located in the Highway 79 Area Plan portion of the proposed Winchester Community Plan project (Project). The Property is shown on the attached Exhibit A and Exhibit B. Per our purchase and sale agreement the ownership (copied on this letter) has authorized JPMB to represent them on the planning issues regarding the property. We appreciate the effort the County is taking to comprehensively review land uses in this developing area of the County and are supportive of the Winchester Community Plan.

16-2

That said, we think the Winchester Community Plan (as described in the DPEIR) (Plan) is missing an opportunity to further implement its own Plan goals and objectives, and to apply appropriate stated planning principles that focus growth near existing infrastructure in determining the allowed use for the Property under the Plan. The 77.7-acre Property is located immediately adjacent to Scott Road and, as detailed below, is only 2 miles from the Scott Road interchange with I-215. It is also in the Highway 79 Policy Area and will directly benefit from the realignment of Highway 79 to a four (4) lane expressway which will improve circulation and increase capacity in the Community Plan area. The Property is also in immediate proximity to schools, the proposed sewer lift station, and other key infrastructure and amenities, including shopping, other commercial uses, and parks that make it an obvious choice for early development with residential uses. Yet the Winchester Community Plan identifies the Property, which is not considered agricultural land of prime importance, and which is immediately adjacent to two existing medium density residential developments and other lands designated for multifamily residential development, as an agricultural land use (Rural Residential) while allowing much greater development intensity in far flung portions of the community planning area that do not enjoy (and will not for many years) the benefit of these existing and planned infrastructure improvements. Timing and sequencing of growth to align with infrastructure development is a fundamental planning principle that the

County has an opportunity to and should apply to further the stated goals in the Community Plan effort.

Specifically, this omission results in a missed opportunity to mitigate project impacts on Agriculture, Air Quality, GHG, among others to the fullest extent feasible as required under the California Environmental Quality Act (CEQA) and impedes the County from maximizing the opportunity to better meet its 6th cycle RHNA allocation. Currently, the Community Plan Project only satisfies 30% of the 2029 RHNA required total of 40,647 or 12,329 units. As described below, identifying an appropriate residential density for the Property commensurate with its location is consistent with prior County approvals (in 2016) and due to its location proximate to significant existing and planned infrastructure improvements, will expedite development of housing in the plan area in accordance with RHNA and VMT principles and requirements and take advantage of the significant expenditures of the County on roadway, utility and public services infrastructure.

I. Existing, Previously Approved and Requested Entitlements

16-3

The Property is currently designated as Rural/ Rural Residential in the Riverside County General Plan and is zoned A-1-5: 1 du/5 acres in an area designated for agricultural use. This would allow a total of 15 units. However, in 2016 the Board of Supervisors approved applications submitted by the current owner and re-entitled the property to permit residential density of 2-5 du/acre which would allow up to a total of 388 units.¹ Following a CEQA challenge, the owners withdrew their application. Yet, when the County considered the Project, it did not include the Property for a similar change in land use and zoning as part of the Winchester Community Plan as it previously considered and approved.

As discussed in more detail in this letter, we respectfully ask the County to modify the proposed Community Plan to slate this property for Community Development, Medium Density Residential (2-5 du/ac), One-Family Dwellings consistent with the prior approval on the Property This would provide up to 388 units towards the County's RHNA goal of 16,302 units for Above Moderate income housing, adding up to an additional 373 units at the Property, which is in an area primed to handle this additional residential because of its location near existing and planned housing, existing and proposed infrastructure, and planned transportation improvements designed to lessen VMT.

II. Proximity to Existing Development and Infrastructure and Similar Housing Developments

16-4

The Property is adjacent to existing Medium Residential property as shown on Exhibit B and is surrounded by developed infrastructure. Given existing and planned residential development around the Property, including R-4 zoning, (See DPEIR Exh. 3-9, existing zoning), this is the wrong location to maintain the current low-density zoning near existing and planned infrastructure and commercial development. CalTrans' Highway 79 realignment and widening project is not the

¹ GPA00921 (Foundation GPA from RUR: RR to CD: MDR on the 77.8 acres), CZ07763 (Change Zone from A-1-5 to R-1 and EA41744 (EA for GPA00921).

only impetus for increasing residential density in the Highway 79 Policy Area. See DPEIR p. 3-8. This increase is consistent with existing and other planned infrastructure:

- Approximately 0.25 mile to proposed regional sewer lift station (south of Scott Rd., just west of Leon Rd.) which will serve a large portion of the Community Plan Project area
- approximately 0.25 mile to Liberty High School
- approximately 2.25 miles to Southshore Elementary School
- approximately 2.1 miles to Albertsons/Walgreens and other shopping/commercial
- approximately 3.6 miles to Bell Mountain Middle School
- approximately 3.8 miles to the Loma Linda University Hospital
- approximately 4.5 miles from the Riverside Menifee Lakes Fire Station No. 76
- approximately 4.75 miles from the Riverside County Fire Station No. 68.

Continued significant agricultural use of the property is unlikely, due to its small size and its location immediately adjacent to more intensive residential and commercial development. Given this level of developed and planned infrastructure, retaining the Property for agricultural uses fails to properly take advantage of the extensive County investment in developing resources intended to address its housing crisis.

III. The RHNA Goals and the Goals of the Winchester Community Plan Merit Consideration of Changing the Land Use Designation and Rezoning the Property

The DPEIR sets out a number of key goals and objectives that are consistent with changing the land use designation and rezoning the Property consistent with the County's 2016 approval for the Property. Modifying the Plan to permit the increased density at the Property would enhance the County's ability to meet these goals, including the following:

A. Achieving 6th Cycle RHNA Requirements.

The DPEIR focuses on promoting higher density housing to achieve the 6th Cycle RHNA allocation of 40,647. DPEIR pp. 1-3, 3-10, 4.14-5. The Winchester Community Plan Project is estimated to meet 30% of this goal by adding 12,329 additional units. DPEIR p. 4.14-9.

One of the express goals of the Community Plan Project is to assist the County with meeting its RHNA allocation by promoting higher density and a greater variety of housing. The Community Plan Project proposes to increase the number of residential units permitted within the Plan area by 12,329, meeting only 30% of the County's RHNA allocation. It achieves this increase by eliminating the 9% residential reduction in the Highway 79 Policy Area and converting land to residential use in other parts of the Project area but does not examine obvious opportunities to rezone to take advantage of the benefits of planned infrastructure and thereby increase the number of additional residential units needed. Given the expansion of Highway 79, strategic upzoning is feasible and would assist the County in achieving its RHNA goals.

The County has previously estimated that because it has fallen behind on housing construction, it will be challenging to meet this goal. If changed to Medium Density Residential, the Property

16-5

would permit up to 388 residential units at the Property. While the 15 dwelling units currently permitted on the Property are unlikely to be developed and would rely on septic systems, development of the Property with medium residential density (in the range of 2 to 5 units per acre) is much more feasible and could occur quickly given the level of existing and planned infrastructure development at and adjacent to the Property, helping the County to meet the RHNA goals.

To meet its RHNA goals, the Project seeks to implement higher density residential projects to achieve greater housing variety and increased density in the area. DPEIR pp. 1-3, 3-10 and DPEIR Exh. 3-9 (existing zoning Highway 79 Policy Area).

Rezoning the Property to 2-5 du/acre as the County did previously could add up to 388 dwelling units in different lot sizes would provide work force housing and assist the County in providing greater housing variety and home sizes to help meet its RHNA goals.

C. Assist the County in Minimizing GHG and Air Quality Impacts

The DPEIR states that the purpose of increasing density along the expanded Highway 79 and the added transportation projects is to minimize the Air Quality and GHG impacts of providing needed housing to the extent feasible. See, e.g., DPEIR pp. 4.3-23, 4.8-31 (prioritize land to accommodate new growth and increase connectivity in existing neighborhoods and other SoCal Connect goals), 4.8-33, 4.8-37 (Project's development patterns are designed to reduce VMT with higher density housing and local serving uses reducing the need to travel long distances, thereby reducing GHG emissions).

Although the goal of the DPEIR is to create compact development and promote multi-modal transportation including alternative modes of transportation to minimize AQ and GHG impacts, keeping the Property in a rural residential designation despite its proximity to existing housing, commercial development, infrastructure, roadways and amenities, results in higher AQ and GHG emissions and greater VMT than would inclusion of greater density for residential uses near existing commercial, infrastructure, and schools.

The DPEIR states that the purpose of increasing density along the expanded Highway 79 and the added transportation projects is to minimize the Air Quality and GHG impacts of providing needed housing to the extent feasible. Adding 388 residential units adjacent to existing Medium Residential property and existing and planned infrastructure would enhance the County's ability to meet these goals. For example, by creating more compact development and promoting multi-modal transportation including alternative modes of transportation, the Project proposes to reduce VMT and Air Quality and GHG impacts from vehicle emissions. See, e.g., DPEIR pp. 4.3-23, 4.8-31 (prioritize land to accommodate new growth and increase connectivity in existing neighborhoods and other SoCal Connect goals), 4.8-33, 4.8-37 (Project's development patterns are designed to reduce VMT with higher density housing and local serving uses reducing the need to travel long distances, thereby reducing GHG emissions). However, keeping the Parcel in agricultural use would mean maintaining use of high emissions equipment and vehicles rather than further minimizing emissions associated with residential uses located near existing commercial, infrastructure, and schools, consistent with Project goals and as required by CEQA.

Keeping the lower density designation of the Property is therefore inconsistent with CEQA requirements to mitigate impacts to the extent feasible. It is also contrary to the Project goals of land use synergy, encouraging and promoting development of residential land uses near infrastructure that can support it. In addition, maintaining 5-acre minimum lots on septic so close to existing sewer service for the Plan area is sub-optimal. In contrast, utilizing the Property for Medium Density Residential as the County originally approved is consistent with good planning principles and the goals of the Project because the Property can be most easily developed for the least investment in infrastructure. In addition, this is contrary to the stated goal to “Reduce distances between housing, workplaces, commercial uses, and other amenities and destinations”. Therefore, it is appropriate change the designation of the Property in the Plan to higher density residential and, if necessary, under the Highway 79 Plan, to consider shifting that density from another location.

The Project is designed to produce the large amount of housing required by County RHNA allocation by minimizing GHG and Air Quality impacts to the extent it can. But the DPEIR still finds that impacts on both will be significant and unable to be fully mitigated.

The approaches identified in the DPEIR to minimize GHG and Air Quality impacts include:

- denser housing near existing transportation corridors
- planning housing and development adjacent to planned sewer lift station which will serve proposed development
- reduce distances between housing, work, commercial uses, and sustainable modes of transportation.

However, the Project does not maximize these goals. First, as described above by leaving the Property with an agricultural designation, the Plan does not maximize its opportunities to meet these goals within the Plan area. Second, while the Plan proposes to account for 30% of the County’s RHNA allocation it only provides for 21% of SCAG’s projected 33% in total County population increase by 2045. See DPEIR p. 4.14-9. This leaves a large amount of housing to be developed in the County outside the Project area with concomitant increases in Air Quality and GHG emissions and impacts. Adding 373 potential additional residential units by changing the designation of the Property (which is adjacent to the existing roadway network (including Scott Road and I-215) and a planned sewer lift station) would help minimize increases in AQ and GHG emissions that would occur from developing housing further from existing transportation and infrastructure to meet the County’s RHNA allocation.

IV. The Requested Modification Would Not Affect the Project’s overall Impact on Agriculture and Would not result in Material Reduction in Farmland of Importance

16-6

Appendix G of the CEQA Guidelines considers conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Significance to non-agricultural use to be a potentially significant impact. The Highway 79 Policy Area boundary in which the 77.7-acre Property is located includes approximately 50,061 acres. DPEIR, p. 1-2. The Highway 79 Policy Area includes a total of 17,345 acres of land the County designates as Important Farmlands, or 35% of the Planning Area.

Of the 17,345 acres, 14,487.63 is Farmland of Local Importance which is not a CEQA designation of significance. DPEIR, p. 4.2-2.

The Property is identified as Farmland of Local Significance in the Highway 79 Area Plan. DPEIR, Exh. 4.2-1. It is used for Dry Wheat Farming. It comprises approximately .005% of the 14,487.63 acres of Farmland of Local Significance in the Highway 79 Area Plan, .004% of the total 17,345 acres of Farmland in the Highway 79 Area Plan, and .002% of the total 50,061 acres in the DPEIR, pp. 1-2, 4.2-2. Rezoning the 77.7-acre Property would not have a material impact on agriculture land in the Highway 79 Policy Area. The County was previously willing to rezone the Property as a stand-alone project and rezoning the Property would entail a minor modification to the proposed Highway 79 Policy Area changes. If the County nevertheless wanted to preserve 77.7 acres zoned for agriculture, it would be better served by preserving Farmland of Local Importance, Prime Farmland, or Farmland of Statewide Importance located further from existing infrastructure and shift density from another location to the Property.

V. Conclusion

In conclusion, the County should reconsider the land use designation and zoning at the Property to Community Development, Medium Density Residential (2-5 du/ac), One-Family Dwellings (which would allow for a total of 388 units), consistent with the prior approval on the Property. This will assist the County in achieving good land management and planning practices and its Project goals, will support its prior infrastructure investment and minimize the need for future expenditures by taking advantage of existing and planned infrastructure. This approach would also allow the County to comply with CEQA's mandate that the County mitigate unavoidable impacts to the extent feasible.

Thank you for your attention to this matter. We are happy to discuss our proposal with you at any time.

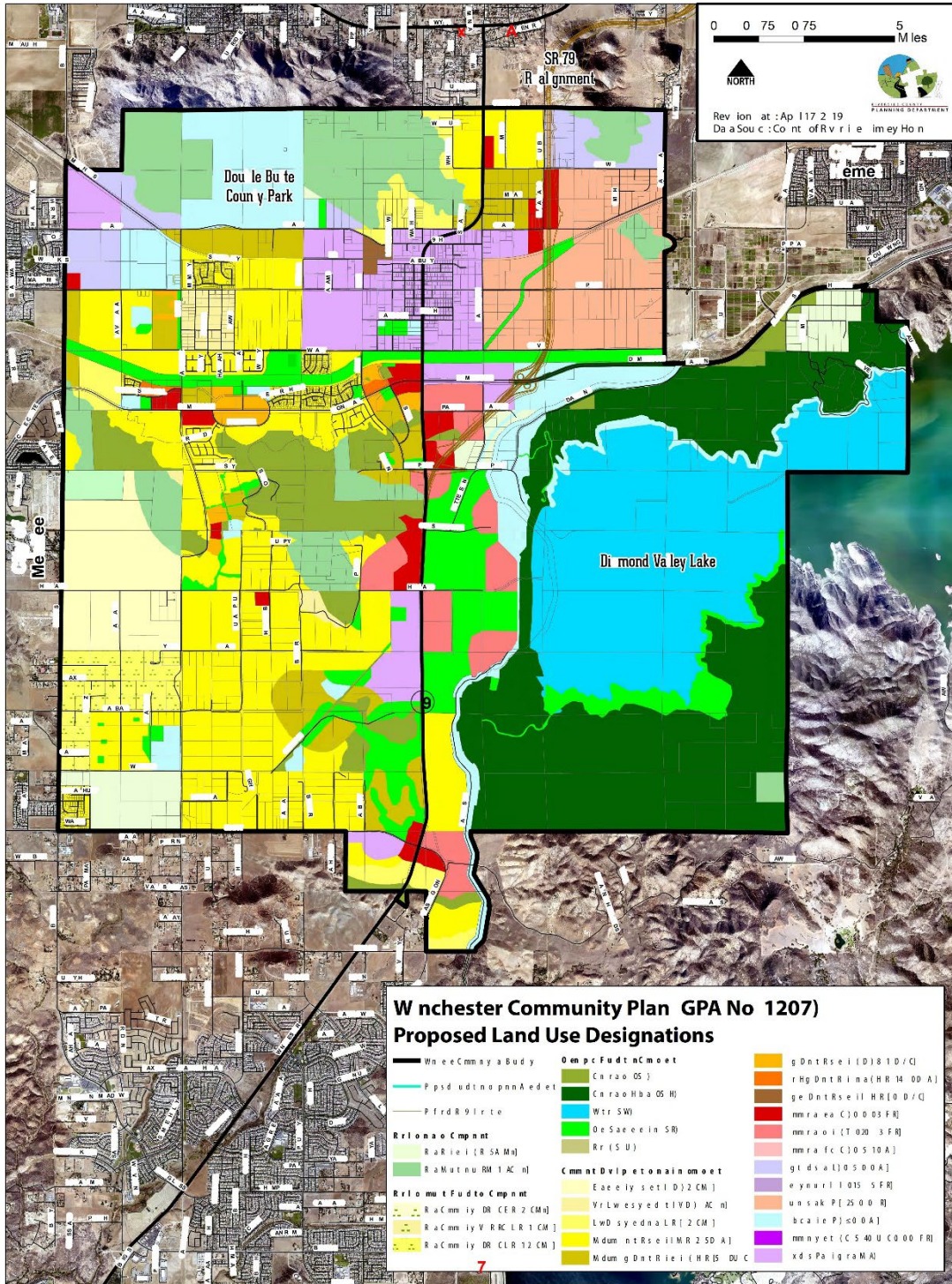
JPMB Investments, LLC
a Delaware limited liability company

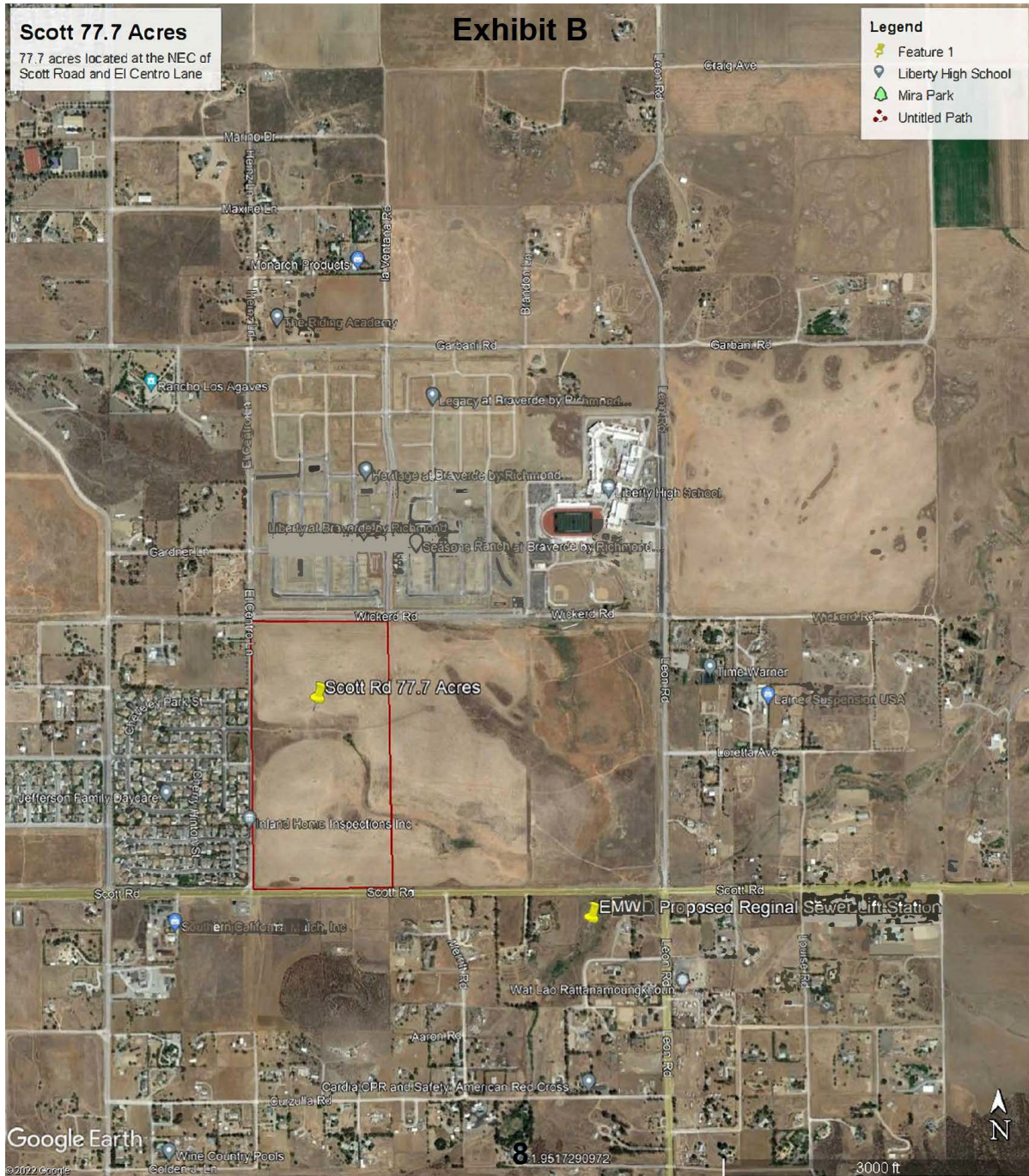


By: Paul Onufer
Its: Manager

Cc: Jae E. Han, Trustee of the Jae E. Han Trust No. 1 dated October 31, 1994
Joong H. Choh
Sook P. Choh
Gene Byong Jin Oh
Kim C. H. Oh
Kyung Hwa Kay Ihm, Trustee of the Kyung Hwa Kay Ihm Trust No, 1 dated June 22, 1993
Tae H. Kim
Kwang W. Kim

16-7







Response No. 16

Paul Onufer, Manager, JPMB Investments

August 17, 2022

- 16-1 This comment provides a general introduction. The commentor is the manager of JPMB Investments, LLC, which is currently under contract to purchase 77.7 acres of land at the northeast corner of El Centro and Scott Road (Assessor's Parcel Number [APN] 466-220-029) and represents the owners of said parcel. The commentor also states they are supportive of the project. Responses to specific comments are provided below.
- 16-2 The commentor describes the local vicinity of the above-mentioned subject parcel and discusses the parcel's proximity to Highway 79, schools, the proposed sewer lift station, and other key infrastructure and amenities, including shopping, other commercial uses, and parks. As such, the commentor expresses that it would be opportune for the County to reconsider the parcel's General Plan Land Use and Zoning Designations from Rural Residential to one that allows for higher density, in light of the County's goal to meet its 6th Cycle RHNA allocation. This comment is noted and will be considered during project deliberations. This comment pertains to site-specific rezoning proposed under the Winchester Community Plan but does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted. (State CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)
- 16-3 The commentor states that the property is currently designated as Rural/Rural Residential in the Riverside County General Plan and is zoned A-1-5, which would allow for a total of 15 units on the property. The commentor requests that the County consider a modification to the proposed project to designate the property as Community Development, Medium Density Residential (2-5 du/ac), One-Family Dwellings, which would allow for up to 388 dwelling units. Refer to Response 16-2.
- 16-4 The commentor reiterates the subject parcel's proximity to existing and planned infrastructure and community facilities described above, and their disagreement with the subject parcel's existing low-density General Plan Land Use and Zoning Designations. Refer to Response 16-2.
- 16-5 The commentor elaborates on the subject parcel's General Plan Land Use and Zoning Designations and states that modifying the Winchester Community Plan to permit the increased density of the subject parcel would enhance the County's ability to meet stated RHNA goals and air quality/greenhouse gas impact reduction goals. Refer to Response 16-2.



- 16-6 The commentor elaborates on the subject parcel's General Plan Land Use and Zoning Designations and states that modifying the parcel's General Plan Land Use and Zoning Designations would not result in agricultural impacts due to the minimal amount of acreage of Farmlands of Local Importance that the parcel comprises. Refer to Response 16-2.
- 16-7 This comment contains conclusive remarks, summarizing the contents and statements of the letter. This comment is acknowledged and does not raise any new issues. As such, no further response is necessary.



*emailed
Lmk dk*

MEMORANDUM

TO: Riverside County Planning Department
Manny Baeza/Paul Swancott

FROM: Joel Morse, T&B Planning, Inc.

DATE: August 17, 2022

RE: Comments on Winchester Community Plan, DEIR, and Winchester Design Guidelines

17-1

We appreciate the opportunity to review and comment on the Winchester Community Plan, DEIR, and Winchester Design Guidelines. Please see below for T&B Planning’s formal comments on the Winchester Community Plan, Draft EIR, and Winchester Design Guidelines dated July 2022. This Comment Memo identifies specific language from the Draft EIR and the Winchester Design Guidelines, followed by our comments and questions.

1. From the Executive Summary of Draft EIR Winchester Community Plan Section 1.3 (Project Summary) on Page 1-2.

“Amending the General Plan’s Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Meniffee Valley Area Plan to revise the existing Highway 79 Policy Area language by removing the 9% reduction in density for residential projects. This policy will be replaced with a fee on newly entitled dwelling units (not dwelling units already entitled), to fund mobility related improvements, such as but not limited to, a vehicle park-n-ride and transit station within the Winchester downtown core area.”

17-2

2. From the Executive Summary | Mitigation Measures TRA-2 (4.17 Transportation P1-26)

Mitigation Measure TRA1: “Prior to commencement of residential development within the Winchester PA and Highway 79 PA (excluding areas in the Downtown Core), the County shall undertake a nexus study and adopt an ordinance creating a Vehicle Miles Travelled (VMT) Mitigation Fee for the Community Plan Area. The VMT Mitigation Fee shall consist of a flat fee applied to any new development within the abovementioned areas and shall fund the development of a Transit Station and Park and Ride facility in the Downtown Core. The Mitigation Fee shall not be applied to any residential units developed in the Downtown Core. The ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy Areas (excluding residential develop within the Downtown Core).

T&B Comments on the DEIR:

- A. Please identify where and when the Winchester Community Plan can be reviewed in it’s entirety.
- B. Please clarify what is meant by the term “*newly entitled dwelling units*” used in the Executive Summary on Section 1.3, Page 1.2.





- a. Please clarify what is meant by the term “entitled” in this context.
 - i. Are approved units within an existing adopted Specific Plan considered “entitled”?
 - ii. Does the term apply to the “maximum units” adopted or to the “target units” adopted in an existing approved Specific Plan?
 - iii. Are units approved on a Tentative Tract Map considered “entitled” under this definition?
- C. Please clarify what is meant by the term “any new development” used in Mitigation Measure TRA-2.
 - a. Please clarify whether the phrase “any new development” includes commercial residential development such as hotels, motels, congregate care facilities and similar quasi-residential units.
- D. Please clarify whether the phrase “newly entitled dwelling units” and “any new development” are being used interchangeably and have the same meaning in the DEIR and the Winchester Community Plan.
- E. Please clarify whether the “flat fee” would apply to the “maximum” units shown in an existing adopted Specific Plan or to the “target” units in an existing adopted Specific Plan.
- F. Please clarify whether the “flat fee” would apply to any residential lot not approved by a Tentative Map at the time the Mitigation Fee Ordinance is adopted.
- G. Please clarify whether the “flat fee” would apply to any residential lot not shown on a recorded Final Map.
- H. Will the VMT Mitigation Fee be assessed only on all “unentitled units” or only those “unentitled units” over the mid-point of the General Plan Land Use Designation?
- I. What is the time frame for completion of the Nexus Study?
- J. The language appears to indicate that no building permits within the Winchester Community Plan and Highway 79 Policy Areas until the Nexus Study is completed and the Ordinance establishing the VMT Mitigation Fee is approved.
 - a. In the event that the Nexus Study is delayed or the Mitigation Ordinance is challenged in court, does the County intend to establish a moratorium on the issuance of all building permits until the issue is resolved?
 - b. Does this prohibition apply only to “residential” building permits?

3. WINCHESTER COMMUNITY PLANNING DESIGN GUIDELINES

The proposed Winchester Community Planning Design Guidelines are an integral component of the project and intend to provide direction for site design, architecture, streetscapes, bicycle and pedestrian facilities, signage, and lighting, etc. for the plan area. County Planners would use these criteria in review of submittals to achieve high quality development and compatibility with adjacent land uses and the overall character of the community. The Design Guidelines would apply to those areas within the Winchester Policy Area boundary.

A. Existing Specific Plans (Page 2 of Design Guidelines): “Existing Specific Plans are adopted by resolution and the associated regulation is adopted by ordinance. These Specific Plans are deemed to be consistent with County guidelines at the time of adoption. In some cases, County guidelines were incorporated into the Specific Plans by reference. The design guidelines within each specific plan apply more specifically to the uses within that document. Adoption of the Winchester Design Guidelines (WDG) will not affect adopted specific plans, nor will their associated design elements become non-conforming.”

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17-3





T&B Comments on Design Guidelines: Existing Specific Plans

1. Please clarify whether Amendments to adopted Specific Plan would be subject to the new Design Guidelines and therefore required to be updated to conform to the new Guidelines as part of the entitlement process.
2. Please clarify whether Substantial Conformance to an adopted Specific Plan would be subject to the new Design Guidelines as part of the entitlement process.
3. Please clarify the impact of the timing of the approval of these new Design Guidelines on Specific Plan projects in the entitlement pipeline?
 - a. More specifically, will Specific Plan Amendments that have been through numerous Screenchecks and for which staff has no further comments (prior to the adoption of the new Guidelines), be required to incorporate them?

17-4

B. Architectural Styles (Page 17 of Design Guidelines): “Four (4) architectural styles have been outlined for the Winchester Policy Area. Ranch, Farmhouse, Prairie, and Craftsman architectural styles establish types and levels of architectural detail which assist in achieving the design objectives.”

T&B Comments on Design Guidelines: Architectural Styles

1. Will future proposed Specific Plans or other implementing projects be required to use only the four styles in order to be found to be consistent with the General Plan?
 - a. Or will there be the flexibility to allow for the use of other styles that may be determined to be consistent with the styles contained in the proposed Design Guidelines?

17-5

C. Proposed Winchester Policy Area Land Use Designation Changes (Exhibit 3-11)

The Winchester Community Plan proposes to modify 116.5 acres within the SP293 (Planning Areas 1, 2, 3, and 4) from “Commercial Retail” to “Mixed Use Area”.

T&B Comments on Design Guidelines: Land Use Designation Changes

1. Please clarify how these land use modifications will affect current General Plan Amendment entitlement applications and the associated Specific Plans.
 - a. Planning Areas 1, 2 and 4 are the subject of “in process” GPA 1162, which proposes to designate these Planning Areas with a combination of Commercial Retail, Open Space-Recreation, and Highest Density Residential land uses, in support of proposed SP293-A6 project.
 - b. Please confirm that the proposed change to “Mixed Use Area” by the Winchester Community Plan would not affect the proposed land use designations of SP293-A6.



Response No. 17

Joel Morse, T&B Planning

August 17, 2022

17-1 This comment includes introductory language for the comment letter. Responses to specific comments are provided below.

17-2 The commentor requests the following additional information/clarification on text within the Draft EIR:

- Identify when/where the Winchester Community Plan can be reviewed;
- Clarify what is meant by “newly entitled dwelling units” in the Executive Summary;
- Clarify what is meant by the term “entitled”;
- Clarify what is meant by “any new development” in Mitigation Measure TRA-2;
- Clarify whether the terms “newly entitled dwelling units” and “any new development” are being used interchangeably;
- Clarify whether the “flat fee” would apply to any residential lot not approved by a Tentative Map or shown on a Final Recorded Map at the time the mitigation fee ordinance is adopted;
- Will the VMT mitigation fee be assessed on all “unentitled units” or only those “unentitled units” over the mid-point of the General Plan Land Use Designation;
- What is the timeframe for completion of the Nexus Study?
- In the event that the Nexus Study is delayed or the mitigation ordinance is challenged in court, does the County intend to establish a moratorium on building permits, and does this prohibition apply only to residential permits?

It is noted that the Draft Winchester Community Plan was made available for public review on August 15, 2024 on the County’s website.

The phrases “newly entitled dwelling units,” “entitled,” and “any new development” are considered colloquial and do not warrant additional clarification in the Draft EIR. It is noted that several Development Review Flowcharts are available on the County’s website that graphically outline the development review process. These are provided to help the public more easily understand the flow of work undertaken with different types of land use applications. Please visit <https://planning.rctlma.org/development-review-flowcharts> for these documents.

Refer to Response 4-2 for information regarding the VMT Mitigation Fee Nexus Study. All comments have been addressed; no further response is warranted.



- 17-3 The commentor requests further information/clarification on the Design Guidelines and their potential impacts to adopted Specific Plans. This comment pertains to the Design Guidelines for the Winchester Community Plan but does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted. (State CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.) However, it is noted that the Design Guidelines were made available for available for public review on July 5, 2022 on the County's website.
- 17-4 The commentor requests that the County clarify if future proposed Specific Plans will be required to use only the four outlined architectural styles (Ranch, Farmhouse, Prairie, and Craftsman) in order to be found consistent with the General Plan. As discussed in Draft EIR Section 4.1, *Aesthetics*, development occurring as part of the proposed project would be subject to detailed planning to ensure high-quality development that it is complementary and compatible with the community character and design. The proposed Design Guidelines are an integral component of the project and intend to provide direction for site design, architecture, streetscapes, bicycle and pedestrian facilities, signage, and lighting, etc. for the plan area. The degree to which the Design Guidelines are met is subject to a finding or determination made by the County. Variations to either the design standards or guidelines may be considered by the Planning Commission or Board of Supervisors in the review of any project. Refer to Response 17-3.
- 17-5 The commentor requests that the County clarify how the proposed General Plan Land Use Designation changes will affect the current General Plan Amendment entitlement applications and associated Specific Plans, specifically in relation to the proposed SP293-A6 project. The Winchester Community Plan does not apply to previously entitled developments; however, it would apply to new single-family residential entitlements within existing adopted/approved Specific Plans. Refer to Response 4-2.



CITY OF MURRIETA

August 19, 2022

VIA E-MAIL AND U.S. MAIL

Manuel Baeza, Principal Planner
County of Riverside
4080 Lemon Street, 12th Floor
Riverside, CA 92501
E-Mail: mbaeza@rivco.org

Re: Draft Environmental Impact Report (EIR), State Clearinghouse No. 2019049114, for General Plan Amendment 1207 (GPA 1207), Winchester Community Plan project

Dear Mr. Baeza:

18-1 On behalf of the City Council of the City of Murrieta (“City”), I would like to take this opportunity to express concerns and demand 120 additional days to submit written comments on the Environmental Impact Report (“EIR”) for the proposed Winchester Community Plan project (“Project”). The Project will allow for the development of property within the County of Riverside (“County”) just across the northeast boundary of the City, hence, the Projects will result in impacts to the City’s residents and resources. While the City understands the need to allow the development of real property and the creation of additional housing units, the City is extremely concerned that significant and irreversible environmental impacts to the residents of Murrieta will not be adequately addressed in the EIR, as required pursuant to the California Environmental Quality Act (Public Resources Code § 21000 *et seq.*, “CEQA”) and the CEQA Guidelines (14 Cal. Code of Regulations §§ 15000 – 15387).

18-2 As a result of the City’s obvious concern about the Project, in November of 2021, I sent an email to members of the Project team requesting notice of all documents relating in any way to the Project. Despite this request and despite the legal obligations of the County, as the lead agency, to send the City a notice of preparation of the EIR and notice of circulation of the EIR, the County failed to give the City notice of either the completion or circulation of the EIR. The City only inadvertently discovered yesterday, what we believe to be the forty-fifth and final day of circulation of the draft EIR, that the EIR had been released in July.

As a threshold matter, the City takes issue with County's tactics in depriving the public of its opportunity to be involved in, and receive timely information about, the Project and the EIR. By email, City staff requested notification from the County about any updates from the County about the Project, evidenced by the repeated emails by me, the City's Director of Development Services. Despite repeated assurances from County that the City would be kept up to date on the Project, related technical studies and environmental documentation, none were provided.

The County's failure to provide the information about the proposed CEQA action deprived the City and its residents of the opportunity to be involved in a meaningful, robust, and thorough manner to analyze and comment on the Project and potential environmental impacts to the City, its residents, and its resources. As the City only discovered the County's lack of notice on the last day of the comment period, the City nevertheless desires an opportunity to provide comments and expects that County will address the City's comments, without raising any issue regarding the timeliness of these comments.

Courts have allowed late challenges to a CEQA action where a lead agency misled the public so as to prevent an interested party from timely filing a CEQA challenge. In *Citizens for a Responsible Caltrans Decision v. Department of Transportation*, (2020) 46 Cal.App.5th 103, for example, Caltrans assured the public in its draft and final environmental impact reports that it would file a notice of determination under CEQA if the decision were made to approve the highway interchange construction project. Caltrans then issued a notice of exemption from CEQA instead before the end of the public comment period, while proceeding to circulate the environmental impact report, collect comments, and respond to those comments. The court found that Caltrans knew of its position that the project was exempt from CEQA and it would approve the project and file a notice of exemption, but nevertheless made misrepresentations to the public that it would approve project only after complying with CEQA requirements. Those facts were sufficient to find that Caltrans was estopped from asserting the untimeliness of challenging the notice of exemption.

Because the City requested that the County provide the City notice of documents and meetings relating to the Project, the basis of the ruling in the *Citizens for a Responsible Caltrans Decision* case applies to the City's time to submit environmental comments on the EIR after the initial comment period has expired in light of the assurances from County staff I received that the City would receive proper CEQA notice for the Project in order to have time to submit comments on the EIR amply support this point. As such, as a showing of good faith, the County should agree to allow the City 120 days to submit comments on the EIR which comments shall be deemed timely.

Should the County fail to agree to this stipulation, the City will have no option but to consider its right to pursue further action on the Project and the EIR. To this end, we encourage County to advise Murrieta no later than August 24, 2022 if County will provide the requested extension and work with the City to arrive at a solution that is a benefit, rather than a burden, to the community, or the City Council will be forced to consider its legal options.

Manuel Baeza
August 19, 2022
Page 2

18-3 [Lastly, the City reiterates the request that the City receive timely notification of all documents and hearings relating to the Project and the EIR. The City looks forward to County's timely response to the concerns raised herein.

Very truly yours,

CITY OF MURRIETA



David Chantarangsu, AICP
Development Services Director

cc: Kim Summers, City Manager (via email)
Ivan Holler, Assistant City Manager (via email)
Tiffany J. Israel, City Attorney (via email)



Response No. 18

David Chantarangsu, Development Services Director, City of Murrieta

August 19, 2022

- 18-1 The commentor requests 120 additional days to submit written comments on the Winchester Community Plan Draft EIR and states the project would impact the City of Murrieta’s residents and resources based on its relative proximity to the City. The County of Riverside extended the Draft EIR’s public review period by an additional 35 days to September 23, 2022 to allow for adequate review and commentary by the City of Murrieta and other public agencies and stakeholders. As described throughout the Draft EIR, future site-specific development accommodated by the Winchester Community Plan would be assessed on a case-by-case basis for environmental impacts, including potential impacts to adjacent jurisdictions where appropriate (i.e., the City of Murrieta). This comment does not raise a specific issue regarding the adequacy of the Draft EIR or its environmental analysis; see State CEQA Guidelines Section 15088(c), which states that the level of detail contained in a response may correspond with the level of detail provided in the comment. Refer to Comment Letter 23 for responses to the City of Murrieta’s second letter that was received during the extended public review period.
- 18-2 The commentor claims the City of Murrieta did not receive a Notice of Preparation of the Draft EIR and notice of circulation of the Draft EIR. The County of Riverside affirms that the City of Murrieta was mailed a Notice of Preparation (NOP) of the Draft EIR on April 18, 2019, as well as Notice of Availability (NOA) of the Draft EIR on July 5, 2022 in the care of the Planning Department, at 1 Town Square, Murrieta, CA 92562. The County will continue to notify Murrieta of subsequent environmental notices/meetings regarding the proposed project and all future developments within the Winchester Community Plan with the potential to impact the City of Murrieta.
- 18-3 The commentor’s final remarks request for timely notification of future documents and hearings related to the project. The City of Murrieta will be notified of all subsequent environmental notices and meetings related to the project.

September 19, 2022

Direct Dial: 949.851.7409
Email: mstaples@jacksontidus.law
Reply to: Irvine Office
File No: 4063-28900

VIA ELECTRONIC MAIL (pswancott@rivco.org; mbaeza@rivco.org)

Paul Swancott, Project Manager
Manuel Baeza, Principal Planner
County of Riverside
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Re: Domenigoni-Barton Comments on Winchester Community Plan Draft Environmental Impact Report, State Clearinghouse No. 2019049114, for General Plan Amendment 1207 (GPA 1207), and associated Nexus Study

Dear Messrs. Swancott and Baeza:

The following comments are submitted on behalf of the Domenigoni-Barton Properties entities (collectively, "Domenigoni-Barton"), owners of the County-approved Domenigoni-Barton Specific Plan No. 310 ("Specific Plan 310") for which Environmental Impact Report No. 421 ("EIR 421") was certified.

1. Introduction and Summary of Comments.

Specific Plan 310 provides land use, circulation, conservation and infrastructure guidance for development of a mixed use community including up to 4,186 residential units on approximately 1,734.5 acres of land in the Winchester area. For the reasons discussed below, the County of Riverside should:

- *extend the comment period for the Draft Environmental Impact report for the Winchester Community Plan (General Plan Amendment No. 1207) ("Draft EIR") from September 23, 2022 to at least 45 days after the County makes available for public review: (1) the proposed text of the Winchester Community Plan update and corresponding revisions to the General Plan's Harvest Valley/Winchester Area Plan, Sun City/Menifee Area Plan, and Southwest Area Plan; and (2) a legally compliant Nexus Study;*
- *include an exemption from the proposed Vehicle Miles Traveled ("VMT") Mitigation Fee, the associated freeze on development until adoption of the fee, and other mitigation measures proposed by the Draft EIR for projects consistent with County-*

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approved specific plans including the Domenigoni-Barton Specific Plan 310 and EIR 421 that have incorporated the 9% reduction policy and completed environmental review in compliance with the California Environmental Quality Act (“CEQA”, Pub. Res. Code sec. 21000, et seq.) and CEQA Guidelines (14 Cal. Code Regs. sec. 15000, et seq.). Project applicants who wish to amend their specific plans to increase their density should pay the VMT Mitigation Fee only for the portion of density increased and applicants who do not should be able to proceed with the 9% reduction under their approved Specific Plans and CEQA documents; and

- ***include an overlay or policy area to enable the Domenigoni-Barton property to be developed under Specific Plan 310 and EIR 421 that were revised and approved by the County as necessary to comply with the Court Decision entered May 8, 2003 in Endangered Habitats League and City of Temecula v. County of Riverside, Riverside County Superior Court Case No. RIC369801 (“Court Decision”, attached as Exhibit 1).***

The Domenigoni-Barton Specific Plan area extends along SR 79 from Keller Road on the South to Holland Road on the north. Domenigoni-Barton is the largest landowner impacted by the proposed Winchester Community Plan update. The southernmost area of the Domenigoni-Barton property is currently within the Highway 79 Policy Area but is proposed to be added to the Winchester Policy Area. (See, EIR Exhibits 3-3, 3-4.) Because the proposed Winchester Policy Area policy updates have not been made available for public review during the comment period on the Draft EIR, Domenigoni-Barton is unable to evaluate potential land use inconsistencies and other environmental impacts.

Additionally, as discussed in greater depth below, the County should exempt Specific Plan 310 from the VMT Mitigation Fee and other mitigation measures proposed by the Draft EIR because the County already approved EIR 421 and no changes are proposed to Specific Plan 310. The County would be violating CEQA by imposing additional mitigation measures when there is no substantial change proposed to the specific plan.

Also, delaying development indefinitely and imposing a VMT Mitigation Fee on an approved project such as Specific Plan 310 that has a certified EIR, as proposed in Mitigation Measure TRA-1, violates both CEQA and state housing laws. The 9% reduction was one of the revisions to Specific Plan 310 approved by the County to bring the Domenigoni-Barton project into compliance with CEQA and satisfy the Court Decision. Because of the unique litigation circumstances of Specific Plan 310, the County should include an overlay or policy area that covers properties within the Domenigoni-Barton Specific Plan 310 to enable their development under Specific Plan 310 in compliance with the Court Decision. Such a proposal is in line with the County’s existing General Plan which provides for overlays and policy areas to address local conditions. (See, for example, Harvest Valley/Winchester Area Plan, p. 19.)

Domenigoni-Barton is willing to work with the County to resolve its concerns while the Winchester Community Plan concept is pursued.

2. **The Draft EIR Does Not Comply With Basic CEQA Requirements and is Susceptible to Successful Legal Challenge.**

A. *CEQA does not allow the County to impose additional CEQA review and mitigation on projects that already have approved CEQA documents, such as Specific Plan 310.*

19-2 The Draft EIR wrongly evaluates the proposed additional 9% density as though the potential increase of 12,329 dwelling units is being added to previously approved projects including Specific Plan 310. The County then wrongly imposes mitigation measures on all future development to address the potential impacts of the increased density, including development implementing Specific Plan 310 and other approved projects with approved CEQA documents.

CEQA prohibits the County from requiring additional environmental analysis and mitigation unless there are substantial changes or substantial new information. (CEQA § 21166; CEQA Guidelines § 15162.) The County-approved Specific Plan 310 expressly limits the number of residential units to a maximum of 4,186 and no changes are proposed to Specific Plan 310. Also, changes in CEQA threshold guidelines, such as VMT and GHG thresholds, are not “new information”. (CEQA Guidelines § 15007(c); *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301; *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515, 532.) In the *Concerned Dublin Citizens* case, a project opponent argued that new threshold guidelines for GHG emissions came out after the EIR for the project was certified in 2002 and therefore constituted significant and new information requiring a supplemental EIR for a subsequent project. The court rejected the argument and found that the new threshold guidelines did not constitute “new information” requiring additional environmental review. Likewise, the new threshold guidelines that came to light after EIR 421 was certified for Specific Plan 310 do not justify the imposition of additional mitigation measures on development implementing the specific plan.

Unless and until there are “substantial changes” to Specific Plan 310 or “substantial new information” as defined in CEQA section 21166 and CEQA Guidelines section 15162, the County has no authority to impose the VMT Mitigation Fee or other mitigation measures in the Draft EIR as additional mitigation for development projects implementing Specific Plan 310.

B. *The Winchester Community Plan documents that comprise the Project evaluated by the Draft EIR have not yet been published.*

19-3 Under CEQA, a “project” is the whole of an action, specifically including amendment of local General Plans or elements thereof. A project does not mean each separate governmental approval. (CEQA Guidelines §§ 15378(a), (c).)

The Draft EIR's Project Description lists several proposed amendments to the General Plan, including, among other things:

- Amendments to the Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City Area Plan; and
- Corresponding amendments to General Plan Land Use and Circulation Elements, Design Guidelines and administrative and implementation programs.

The Draft EIR attempts to provide a brief summary of the Project's proposed amendments, but the summary is inconsistent throughout the EIR. For example, the Draft EIR's "Project Characteristics" section says that amendments are proposed to 4 of the General Plan's 19 area plans (Draft EIR p. 3-4, Item No. 4), but the "Area Plan Amendments" section says amendments are proposed to 3 area plans. (Draft EIR p. 3-6.)

As of the date of these comments, the text of the amendments proposed to the area plans and General Plan policies have not been published. Only the Design Guidelines have been published. The EIR is legally deficient because it does not provide sufficient information to analyze or mitigate the environmental impacts that may result from proposed amendments to policies and standards that may be incompatible with those in Specific Plan 310 and other approved projects.

As stated in *McQueen v. Board of Directors of the Mid-Peninsula Regional Open Space District* (202 Cal. App. 3d 1136, 1143), "An accurate project description is necessary for an intelligent evaluation of potential environmental effects of a proposed activity." An incomplete project description necessarily renders all further analyses and determinations ineffectual. Without a clear definition of the activities to be undertaken, the CEQA process cannot ensure that all impacts of the Winchester Community Plan Project have been mitigated to the extent feasible, because the ultimate extent of project activities is not fully defined.

It is critical that the Project Description be as clear and complete as possible so that the public is provided a meaningful opportunity to comment and the County and responsible agencies may make informed decisions regarding the proposed Project. ***For these reasons, we ask the County to extend the comment period on the Draft EIR for at least 45 days after the proposed amendments to the area plans and General Plan policies are published.***

C. *The Draft EIR fails to evaluate the Project's potential land use and environmental impacts on approved Specific Plans such as Specific Plan 310.*

A substantial portion of both the Winchester Policy Area and Highway 79 Policy Area is comprised of approved Specific Plans including Specific Plan 310. (See EIR Exhibits 3-8, 3-9.) Each specific plan identifies the maximum number of dwelling units it will accommodate, the variety of housing types it will include, and reserves space for open space and, in the case of Specific Plan 310, habitat, commercial and other non-residential complimentary uses to promote

a mixed-use community. Specific plans are a useful tool in affirmatively furthering fair housing by requiring that infrastructure be available for the entire development and facilitating the development of a variety of housing types and uses within a connected neighborhood rather than isolating uses. As described in the General Plan Housing Element, specific plans continue to be an integral part of development in Riverside County and will be used to facilitate the development of high-density housing to accommodate lower-income households near services and in areas with adequate infrastructure. (Riverside County 6th Cycle Housing Element Update, p. P-93.)

The Draft EIR fails to disclose and evaluate the proposed Winchester Community Plan update's potential land use inconsistencies with those approved specific plans. For example, the indefinite freeze on development proposed by Mitigation Measure VMT-1 interferes with Specific Plan 310's orderly development of housing, infrastructure and nearby employment opportunities and services. (See, Riverside County 6th Cycle Housing Element Update, p. P-97.) There may also be land use inconsistencies and other environmental impacts resulting from the yet-to-be-published proposed amendments to standards and policies in area plans and General Plan elements that are intended to implement the lifting of the 9% unit reduction, VMT standards and mitigation measures in the Draft EIR.

The County anticipates that the majority of the County's housing needs during the next eight years will occur within the sphere of influence areas of incorporated cities, and in areas for which specific plans or tract maps have been prepared. (Riverside County 6th Cycle Housing Element Update, pp. P-101.) As shown on Housing Element Table P-46, the Domenigoni-Barton Properties Specific Plan 310 accounts for 4,186 above-moderate housing units that the County is relying on to meet a portion of the County's Regional Housing Needs Assessment ("RHNA"). (Riverside County 6th Cycle Housing Element Update, p. P-132.)

Because the County relies on the development of Specific Plan 310 and other specific plans to achieve its RHNA, any proposed policy amendments and freeze on development that impairs development of approved specific plans creates inconsistency with the General Plan's Housing Element.

We appreciate the clear statements in the Design Guidelines confirming that the design guidelines within specific plans, including Specific Plan 310, apply more specifically to the uses within that document and that the Winchester Design Guidelines will not affect adopted specific plans nor will their associated design elements become non-conforming. (Draft Design Guidelines, pp. 2-3.) However, the Nexus Study is clear that the VMT Mitigation Fee "applies to new single-family residential entitlements within an existing adopted/approved Specific Plan". As a result, the freeze on residential development included in Mitigation Measure TRA-1 impairs development of Specific Plan 310 and other specific plans that the County is relying on to provide housing, infrastructure, employment opportunities and services to the area.

Given the importance of Specific Plan 310 and other specific plans to the area's housing and economic development, the County should exempt them from the VMT Mitigation Fee and development freeze under Mitigation Measure TRA-1.

D. *The Draft EIR's traffic impact analysis wrongly relies on the unfunded SR 79 Realignment Project.*

19-5 The MND's discussion of the transportation impacts resulting from the Project's proposed 9% increase in allowable dwelling units analyzes those Project impacts as though the SR 79 improvements have been completed. (Draft EIR pp. 3-8, 6-4.) CEQA does not allow evaluation of project impacts in light of "paper" mitigation measures; that is, mitigation measures that are simply planned, but are not incorporated into the current project. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 430 ("Vineyard"); *Planning & Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892, 908, fn. 5).

In fact, although the SR 79 improvements have been in the planning process for decades and were formally approved over 5 years ago, the billion-plus price tag of the realignment project is not even funded, is not estimated to be funded for another 10 years according to the Riverside County Transportation Commission, and only then will acquisition of the necessary rights-of-way and implementation of the realignment project *begin*.

The Draft EIR's analysis of transportation impacts is similar to the analysis that the Riverside County Superior Court overturned in the Domenigoni-Barton Specific Plan's EIR originally approved by the County. In that case, the Court held that it was improper for the County to rely on non-existent "paper roads" to come to the conclusion that traffic impacts will be less than significant. The Court also held that the County's failure to make completion of the "paper roads" a condition of Project approval or mitigation measures enforceable through a mitigation monitoring program amounted to improper deferral of analysis and deferral of mitigation. (Court Decision, pp. 4-5.)

3. **The Program EIR and Nexus Study Do Not Comply With the Informational Requirements of the Mitigation Fee Act and CEQA, and Cannot Support Legal Findings Required to Impose the VMT Fee.**

19-6 The County proposes to impose the VMT Mitigation Fee on all new development within the Winchester Community Plan area, including development within approved specific plans, to fund one multi-modal (Metrolink) facility and one park and ride facility. (Nexus Study, pp. 1, 3.)

Impact fees such as the VMT Mitigation Fee must be adopted based on findings of a reasonable relationship between the development paying the fee, the size of the fee, and the use of fee revenues. As discussed above, there is no reasonable relationship between the proposed

fee and development within approved specific plans with approved CEQA documents paying the fee.

Additionally, the Draft EIR and Nexus Study fail to include a sufficient summary of the data upon which the County evaluated the costs to be funded by the VMT Mitigation Fee, in violation of both CEQA and the Mitigation Fee Act. (CEQA Guidelines § 15147.) Exacerbating the problem, the County failed to provide any supporting data to enable the public to independently access the comparable multi-modal transit and park and ride facilities constructed in nearby communities within Riverside County referenced at Nexus Study pages 2 and 3. (Gov. Code §§ 66016(a), 66016.5; CEQA Guidelines § 15148.)

The Draft EIR, Design Guidelines and Nexus Study do not include information about the size, location, facilities or other features of the park and ride and multi-modal center to be funded by the VMT Mitigation Fee. As a result, the Nexus Study does not provide substantial information needed to support the findings necessary to approve the fee.

Additionally, the \$8 million cost estimate for the proposed Metrolink facility “does not include land acquisition costs.” (Nexus Study p. 2.) The Nexus Study does not confirm the location or amount of land needed for the Metrolink facility and whether the land is already publicly owned for such purpose or other reason for omitting land acquisition costs. Of course, landowners whose land will be needed for the park and ride and multi-modal facilities could not be required to dedicate the land as a development exaction on their particular projects because the scope and amount of any such development exaction would far exceed their impacts (*Dolan v. City of Tigard*, 512 U.S. 374 (1994)). Rather, the landowners contributing land for such regional improvements are entitled to payment of just compensation.

Without access to the data and information upon which the EIR and Nexus Study base the VMT Mitigation Fee, the fee cannot be approved. ***The County should prepare a legally compliant Nexus Study including the backup data and information relied on for the facilities’ costs.***

4. The VMT Fee Violates CEQA by imposing mitigation on Specific Plans such as Specific Plan 310 that already have approved CEQA documents and mitigation measures for traffic impacts.

When a CEQA document has already been approved for a development project, CEQA prohibits the County from requiring additional environmental analysis unless there are substantial changes or substantial new information. (Pub. Res. Code § 21166.) The proposed Winchester Community Plan update unlawfully sidesteps this prohibition.

Additionally, amendments to the CEQA Guidelines, such as the VMT requirements of CEQA Guidelines section 15064.3, apply only prospectively. (CEQA Guidelines § 15007(b).) Any proposed new VMT Mitigation Fee would be irrelevant to Specific Plan 310 and cannot freeze development under the specific plan because when EIR No. 421 was certified, Level of

Service was the applicable threshold, not VMT. (CEQA Guidelines § 15007(c).) The use of the new VMT analysis as a threshold for evaluating traffic impacts does not affect the assessment of development projects in conformance with Specific Plan 310. (See, for example, *Concerned Dublin Citizens v. City of Dublin* (2013) 214 cal.App.4th 1301 [“However, the adoption of guidelines for analyzing and evaluating the significance of data does not constitute new information if the underlying information was otherwise known or should have been known at the time the EIR was certified”].)

The County should recalculate the fee based on new development over and above the maximum unit count approved in Specific Plan 310 and other approved specific plans and projects with approved CEQA documents.

19-8 5. **The Proposal to Freeze Residential Development Pending Adoption of the VMT Fee Violates California Housing Laws.**

Mitigation Measure TRA-1 requires the County to undertake a nexus study and adopt an ordinance creating a VMT Mitigation Fee for the Community Plan Area before residential development will be allowed to commence within the area. (EIR p. 4.17-23) TRA-1 has the effect of imposing an open-ended moratorium on residential development.

The state housing laws address the current housing crisis by encouraging residential development of projects that are consistent with approved land use and zoning such as Specific Plan 310. The Housing Crisis Act (SB 330) prohibits the County from enacting a development policy that would have the effect of imposing a moratorium or similar restriction or limitation on housing development other than to specifically protect against an imminent threat to the health and safety of persons residing in, or within the immediate vicinity of, the area subject to the moratorium. (Gov. Code § 66300(b)(1)(B)(i).) Any freeze on development of housing within Specific Plan 310 under proposed Mitigation Measure TRA-1 would violate the Housing Crisis Act.

19-9 6. **Conclusion.**

For the reasons discussed above, the current Draft EIR and Nexus Study are vulnerable to successful legal challenge. Any development projects moving forward in reliance on the Draft EIR and VMT Mitigation Fee will be stuck in the litigation quagmire, unnecessarily delaying development of housing, infrastructure, employment centers and services to the area.

To remedy these problems, the County should:

- extend the comment period for the Draft EIR from September 23, 2022 to at least 45 days after the County makes available for public review: (1) the proposed text of the Winchester Community Plan update, and corresponding revisions to the General Plan’s Harvest Valley/Winchester, Sun City/Menifee, and Southwest

Area Plans, all of which are the subject of the Draft EIR; and (2) a legally compliant Nexus Study; and

- include an exemption from the proposed VMT Mitigation Fee (and the associated freeze on development until adoption of the fee) for projects implementing County-approved specific plans with CEQA documents that incorporated the 9% reduction policy (like the Domenigoni-Barton Specific Plan 310 and Final EIR No. 421), so that project applicants who wish to amend their specific plans to increase their density would pay the VMT fee only for the portion of density increased, and applicants who do not can proceed with the 9% reduction under their approved Specific Plans and CEQA documents.

Thank you for considering these comments.

Sincerely,



Michele A. Staples

Enclosure

Cc: Supervisor Chuck Washington (c.washington@rivco.org)*
Mr. Juan C. Perez, Chief Operating Officer (jcperez@rivco.org)*
Ms. Charissa Leach, TLMA Director (cleach@rivco.org)*
Mr. John Hildebrand, Planning Director (JHildebr@rivco.org)*
Mr. Mark Lancaster, Transportation Director (MLancaster@Rivco.org)*
*via email, with Enclosure

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

TITLE: Endangered Habitats League vs. County of Riverside	DATE & DEPT: 5/8/03 D-3	NUMBER: RIC369801
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COUNSEL: None present	REPORTER: None
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PROCEEDING:
STATEMENT OF DECISION

The above-entitled cause came on regularly for hearing on November 25, 2002 in Department 3 of the above-entitled court, the Honorable E. Michael Kaiser, Judge, presiding. Carl T. Sedlack and Raymond W. Johnson of the law offices of Sedlack and Johnson appeared on behalf of petitioner, Endangered Habitats League, Inc. Rochelle Brown, Kelly A. Casillas and David M. Snow of the law offices of Richards, Watson & Gershon appeared on behalf petitioner, City of Temecula. Timothy L. Neufeld and Saul Jaffe of the law offices of Neufeld & Jaffe appeared on behalf of respondents, County of Riverside and Board of Supervisors. John C. Condas and Darren W. Stroud of the law offices of Jackson, DeMarco & Peckenpaugh appeared on behalf real party in interest, Domenigoni Properties.

Petitioners, Endangered Habitats League (EHL) and City of Temecula (Temecula), challenge the approval by respondent, County of Riverside (County) of a development project proposed by real party, Domenigoni-Barton Properties. The project is composed of the Domenigoni-Barton Specific Plan No. 312, Comprehensive General Plan Amendment No. 573, General Plan Amendment No. 451, and Zone Change No. 6359. The project site is approximately 1,735 acres in the southwestern portion of Riverside County which is part of the Southwest Area Community Plan ("SWAP") as designated by the County's General Plan. The project proposes 4,600 residential units, 215 acres of commercial development, 167 acres of mixed-use development, an 18-hole golf course, three schools, and park sites.

Two petitions have been filed challenging the project:

Petitioner EHL (Case No. RIC 369801) alleges that respondent County certified the EIR prepared for the project and approved the project on Dec. 18, 2001 despite the fact that the project would involve significant impacts, including impacts to land topography, biological resources, air quality, noise, traffic and circulation, and water and sewer service. Petitioner Endangered Habitats' petition contains 8 causes of action: 1) failure to address significant impacts, 2) failure to consider cumulative and growth inducing impacts, 3) mitigation measures improperly deferred, 4) failure to adopt feasible mitigation, 5) uncertain mitigation measures, 6) failure to evaluate adequacy of water supply, 7) improper rejection of environmentally superior alternatives, and 8) General Plan inconsistency.

Petitioner City of Temecula (Case No. RIC 369989) makes similar allegations. Temecula's first Amended Petition contains two causes of action seeking mandamus relief: 1) failure to comply with CEQA, and 2) violation of planning and zoning laws.

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____ Portillo(re) _____, Clerk

The petitions are opposed by both respondent County and real party Domenigoni-Barton Properties. In addition to opposing the merits of the arguments made by petitioners, respondent and real party also argue a number of affirmative defenses. They contend that petitioners failed to exhaust administrative remedies, lack standing, and that the General Plan inconsistency claim is time-barred.

I. Petition by City of Temecula

Temecula's opening brief essentially raises two main points. First, in connection with its first cause of action, Temecula argues that respondent County violated CEQA because the EIR failed to adequately address traffic impacts. Temecula claims that the EIR improperly deferred environmental analysis of traffic impacts and failed to impose feasible mitigation measures. Secondly, in connection with its second cause of action, Temecula argues that project approval must be set aside because the project is inconsistent with the County's General Plan.

A. Affirmative Defenses:

The affirmative defenses raised by the oppositions do not have merit and are insufficient to defeat the petition.

1. Failure to exhaust administrative remedies:

The requirement of exhaustion of administrative remedies is codified under CEQA pursuant to Pub. Res. C. §21177. Similarly, Gov. C. §65009(b) requires exhaustion of administrative remedies for General Plan challenges. The oppositions, particularly from Respondent County, contend that Temecula failed to raise the factual and legal issues during the administrative process that it is now attempting to assert in this action.

First of all, CEQA's exhaustion requirement is not very strict. While exhaustion of administrative remedies is a jurisdictional prerequisite for maintaining an action (Coalition for Student Action v. City of Fullerton (1984) 153 Cal.App.3d 1194; Corona-Norco Unified Sch. Dist. v. City of Corona (1993) 17 Cal.App.4th 985), Pub. Res. C. §21177 allows any party who participated in the CEQA process to raise not only objections made by that party but any objections made by any other party. (Resource Defense Fund v LAFCO (1987) 191 Cal.App.3d 886.) In addition, the objections do not have to be raised with the same specificity as in the trial briefs. It is enough that respondent was "fairly apprised" of the issues at the administrative level. (Save Our Residential Environment v. City of West Hollywood, (1992) 9 Cal.App.4th 1745.)

Temecula points out that its concerns regarding traffic impacts were raised by Temecula and others during the administrative proceedings. (Relying on 14 AR T112:5588-92; 15 AR T117:5714-16, 5765-67; 16 AR T134:6275-79, T149:6431; 22 AR T165:8012-13, 8000, 8128-29, 8140) Similarly, Temecula points out that its concerns regarding consistency with the General Plan were raised during the administrative proceedings. (16 AR T134:6275-79; 22 AR T165:8128-29, 8140-41.)

The court finds that exhaustion requirements have been met with respect to Temecula's petition.

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2. General Plan inconsistency claim is time-barred:

Respondent County claims that Temecula's General Plan inconsistency claim is time-barred. Respondent contends that Temecula's arguments are not actually challenges to the Domenigoni-Barton Specific Plan, but rather a disguised attack on the County's General Plan itself. The County argues that Gov. C. §65009(c)(1) requires that an action challenging a General Plan be brought within 90 days. (Napa Citizens for Honest Government v. Napa Bd. Of Supervisors (2001) 91 Cal.App.4th 342) Since the General Plan was adopted in 1984, respondent concludes that petitioner's action is 18 years too late.

However, it appears that Temecula's challenge is actually directed against the Domenigoni-Barton Specific Plan and project's General Plan amendments approved on Jan. 18, 2002. While petitioner does contend that there are inadequacies in the County's General Plan, the gravamen of its claim is that, because of those inadequacies, respondent cannot find that the amendments and the specific plan are consistent with the General Plan as required by Gov. C. §65454. (Save El Toro Assn. v. Days (1977) 74 Cal.App.3d 64.) To the extent that petitioner's attack is directed primarily at the specific plan and the General Plan amendments which comprise the project, its claim is not time-barred.

3. Standing:

Real Party Domenigoni-Barton Properties argues that petitioner must have a "geographical nexus" to challenge the project based on noncompliance with CEQA or General Plan inconsistency. (Waste Mgmt. of Alameda County, Inc. v. County of Alameda (2000) 79 Cal.App.4th 1223; City of Irvine v. Irvine Citizens Against Overdevelopment (1994) 25 Cal.App.4th 868.) Real party concludes that Temecula cannot satisfy such nexus because the project is not within the City's sphere of influence.

However, the cases cited by real party do not support the "nexus" argument. Instead, the appropriate test is whether petitioner is threatened with injury by the challenged action or whether petitioner may be harmed by the environmental effects of the project. (City of Irvine v. Irvine Citizens Against Overdevelopment, supra, 25 Cal.App.4th at 874; Bozung v. LAFCO (1975) 13 Cal.3d 263.) The subject project is located several miles from Temecula and the roadways impacted by the project run through Temecula. The EIR itself recognized the traffic impacts on Temecula by analyzing intersections within the City's sphere of influence. (25 AR T165:9063, 9299)

B. The Merits of Temecula's Petition:

The court grants Temecula's petition for writ of mandate as to its first cause of action asserting violation of CEQA. The court denies as to the second cause of action.

1. CEQA:

Petitioner claims that the EIR's analysis of the project's traffic impacts is inadequate and the County failed to mitigate significant adverse traffic impacts. Petitioner contends that the traffic study is based on proposed highways and local street systems that are non-existent or only dirt roads.

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Petitioner complains that the traffic study distributes project traffic onto these non-existent "paper roads" to come to the conclusion that the traffic impacts will be less than significant. Petitioner also criticizes respondent County's failure to make completion of the "paper roads" a condition of project approval or mitigation measures enforceable through a mitigation monitoring program.

Petitioner also argues that the EIR fails to disclose the project's cumulative impacts. Specifically, petitioner contends that the cumulative impact analysis failed to include and consider the impacts from other residential projects which were approved or are planned in the general vicinity of the subject project.

Petitioner also accuses respondent County of engaging in improper segmentation or "piecemealing." Petitioner contends that all the projects in the area should have been considered together as one whole project; i.e., respondent should not have allowed the project proponents for the Domenigoni-Barton Specific Plan and the other nearby projects to prepare separate EIRs.

While the court rejects petitioner's piecemealing argument, the court finds that respondent performed an inadequate analysis of traffic impacts, improperly deferred mitigation measures, and failed to undertake an adequate cumulative impact analysis. With respect to the piecemealing claim, it is true that CEQA prohibits segmenting or chopping a large project into smaller ones, each with less potential impact on the environment, such that assessment of impacts is hindered or prevented. (*Bozung v. LAFCO*, *supra*, 13 Cal.3d 263) But petitioner has no authority that respondent is required to somehow "consolidate" separate development projects submitted by different proponents simply because the projects are in the same area. Instead, where there are a number of similar but separate projects, what CEQA requires is an adequate cumulative impacts analysis to determine the combined impacts of all projects. (CEQA Guidelines §15130.)

Otherwise, Temecula's objections to the traffic analysis in the EIR have substantial merit. It is undisputed that the EIR's traffic studies distributed traffic through planned, but as yet non-existent roadways, and assumed the completion of planned, but as yet non-existent upgrades of existing roads. The problem is not so much that the EIR failed to analyze the project in terms of existing conditions. As both oppositions point out, the EIR admits that the project, and other development, cannot be accommodated by the existing circulation system. The traffic studies admit that significant off-site improvements and upgrades will be necessary to meet the County's Level of Service ("LOS") standards.

The problem is none of the measures to mitigate the very significant traffic impacts actually require the construction of the necessary improvements. Instead, the EIR calls for further traffic studies for phases of the project. (AR 9361.) It calls for (but does not require) the developer to establish an area-wide fee program to implement necessary traffic improvements called for by the future studies. [AR 5716] It calls for the County to monitor and administer compliance with standards. (AR 9361-63.) It does not call for any supplemental EIRs after any traffic study or after phases of the project are constructed.

Respondent and real party argue that a similar mitigation plan was approved in Save Our Peninsula Comm. v. Monterey City Bd. Of Supervisors (2001) 87 Cal.App.4th 99. But their reliance on that case is misplaced. That case involved specifically identified and required traffic mitigation.

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This case on the other hand, involves the very sort of “trust us, we’ll conduct studies and fix the problem later” approach disapproved in cases such as Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296 and Stanislaus Natural Heritage Project v. County of Stanislaus (1996) 48 Cal.App.4th 182. The situation here presents a case of improper deferral of analysis and deferral of mitigation.

It also appears that respondent did not adequately analyze cumulative impacts. The EIR does identify other projects planned in the area. (21 AR T165:7907-09.) But the listing omits a number of projects that will generate over 6,800 new residential units and over 17,700 new residents. The oppositions point out that there is no requirement that the EIR specifically list by name every project in the area which may be approved. (CEQA Guidelines §15130.) They argue that the EIR properly used the Comprehensive Transportation Plan (“CTP”) model maintained and administered by the Southern California Association of Governments (“SCAG”) to make traffic projections. (22 AR T165:8252-54.)

It is true that Guidelines §15130 prescribes two methods to conduct a cumulative analysis. The first is the more common “list method” advocated by petitioners where a list of past, present, and probable projects is used in the analysis. (Guidelines §15130(a)(1).) The second is the “summary of projections” method. Guidelines §15130(a)(2) allows the lead agency to use for its discussion of cumulative impacts a “summary of projections contained in an adopted general plan or related planning document, or a prior EIR which described or evaluated regional conditions contributing to the cumulative impact.” However, it does not appear that the so-called CTP method used by respondent is a “summary of projections contained in an adopted general plan or related planning document” within the meaning of §15130(a)(2).

2. General Plan Inconsistency:

Petitioner’s General Plan inconsistency argument is somewhat convoluted, but essentially, petitioner’s claim is premised on the fact that a Specific Plan cannot be adopted unless it is consistent with the General Plan. (Gov. C. §65454.) Petitioner contends that Riverside’s General Plan has an inadequate Land Use Element (“LUE”) such that it is impossible to determine the type of uses that are or are not authorized on the project site. Petitioner argues that it simply cannot be determined that the Domenigoni-Barton Specific Plan is consistent with the General Plan as required by Gov. C. §65454. As such, petitioner concludes that the Specific Plan is void. (Leshner Communications v. City of Walnut Creek, *supra*, 52 Cal.3d 531; Save El Toro Assn. v. Days, *supra*, 74 Cal.App.3d 64; Camp v. Bd. Of Supervisors (1981) 123 Cal.App.3d 334.)

Respondent argues that the General Plan appropriately designates permitted land uses and densities based on long-term goals, objectives and land use policies and standards. Respondent contends that for undesignated areas (such as the project site) the County has a Land Use Determination System (“LUDS”) to identify permitted land uses. (30 AR T254:10722-25.) More importantly, the project does not only involve the Domenigoni-Barton Specific Plan. The project also involves not one, but two General Plan Amendments to ensure that the project is consistent with the General Plan. These General Plan amendments support the finding of the project’s consistency with the General Plan. In Leshner, *supra*, 52 Cal.3d 531, the Supreme Court found that a ballot initiative was inconsistent with the General Plan and could not be construed as an amendment to the General

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Plan. However, if the initiative could have been deemed an amendment to the General Plan, the inconsistency would have been resolved and the initiative would have been acceptable.

Petitioner insists that the LUDS is nothing more than a system for ad-hoc rationalizations to enable the County to approve whatever it wants. However, there is no legal requirement that the General Plan (other than the housing element) be regularly revised or updated. (Garat v. City of Riverside (1991) 2 Cal.App.4th 259) The practice of continually amending General Plans for development projects may arguably be unsatisfactory but petitioner has cited no authority for the proposition that a General Plan cannot be amended piecemeal in connection with development approvals.

II. Petition by Endangered Habitats

Before examining the merits of EHL's arguments, the court will again begin with the affirmative defenses raised by respondent County and real party which they contend precludes the court from even considering the merits of EHL's claims.

Both respondent and real party contend that EHL's petition is not properly verified and that EHL does not have standing to bring its action. They also argue that all of EHL's claims are barred by its failure to exhaust administrative remedies.

A. Affirmative Defenses:

The affirmative defenses raised by the oppositions do not appear to have merit.

1. Verification and standing:

Respondent County contends that EHL's petition is not properly verified as required by CCP §1086 because it is verified by EHL's attorney, Raymond Johnson. A pleading can be verified by an attorney when the parties are absent from the County where the attorney has his or her office. (CCP §446.) Respondent argues that it is inconceivable that not a single member of EHL was available within the County to verify the petition. Respondent concludes that the petition should be dismissed. (Suzanne J. v. Sup. Ct. (1996) 46 Cal.App.4th 785) Respondent has also brought a motion to strike the petition on this basis.

Petitioner, however, points out that EHL is a corporation. Verifications for corporations are required from an officer, not from members. (CCP §446(a).) Petitioner insists that the officer authorized to sign the verification was out of the County at the time the petition needed to be verified. Suzanne J., *supra*, 46 Cal.App.4th 785 relied upon by respondent, is not directly on point. The petition in that case was dismissed because the attorney could not produce evidence that petitioner had actually consented to the filing of the petition on her behalf or authorized the attorney to sign and file the petition. That is not the situation we have here. The court denies respondent's motion to strike.

Respondent and real party also argue that EHL lacks standing to bring the action. Real Party reiterates its contention that petitioner must have a "geographical nexus" to challenge the project

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based on noncompliance with CEQA. (Waste Mgmt. Of Alameda County, Inc. v. County of Alameda, *supra*, 79 Cal.App.4th 1223) Real party contends that after extensive discovery, it appears that EHL's members do not have the required ties with Riverside County. However, the cases cited by real party do not support the "nexus" argument. Instead, the appropriate test is whether petitioner may be harmed by the environmental effects of the project. In addition, CEQA cases have been very liberal regarding standing. (Bozung v. LAFCO *supra*, 13 Cal.3d 263) It appears that EHL is composed of numerous individuals and groups who will be affected by the project's impacts.

2. Failure to exhaust administrative remedies:

As with Temecula's petition, the oppositions contend that EHL failed to raise the factual and legal issues during the administrative process that it is now attempting to assert in this action.

As noted above, CEQA's exhaustion requirement is not very strict. Petitioner EHL points to numerous comments in the record by EHL and others which raise the points asserted in its petition. (3 AR T26:935, T28:947, T29:950, T31:956, T40:981; 8 AR T69:2798, T72:2805, T74:2818, T75:2829, T77:2837, T78:2851.) Real party raises a specific objection to the comments submitted by the Elsinore-Murrieta-Anza Resource Conservation District ("EMARCD") (15 AR T128:6033-35; 22 T165IX:8086-89.) Real party argues that the comments were untimely and "outside the scope of EMARCD's expertise." Real party concludes, without any authority that EHL cannot rely on EMARCD's comments. However, EHL points out that EMARCD's comments were included in the Final EIR (22 T165IX:8086-89.) As pointed out above, CEQA allows any party such as EHL which participated in the process to raise objections made by any other party. The defense of failure to exhaust administrative remedies has no merit.

B. The Merits of EHL's Petition:

The court grants EHL's petition only with respect to the claim that traffic mitigation was improperly deferred (third cause of action) and the claim that an environmentally superior alternative to the project was rejected without substantial evidence (seventh cause of action). Otherwise, the petition does not have merit.

It is undisputed that the court's standard of review with respect to respondent's compliance with CEQA is to determine whether respondent has proceeded in a manner required by law, and whether respondent's determinations are supported by substantial evidence. (See Gentry v. City of Murrieta (1995) 36 Cal.App.4th 1359.)

1. Cumulative and growth inducing impacts:

Petitioner first argues that respondent failed to comply with the requirements of CEQA in that the EIR failed to adequately consider cumulative impacts and growth inducing impacts of the project. Petitioner's opening brief makes reference to a laundry list of impacts such as land use, seismic & geology, flooding, noise, biological resources, cultural resources, traffic, water and sewer. For the most part petitioner's opening brief fails to explain why respondent's analysis regarding the cumulative or growth inducing impacts of the project was improper with respect to the above mentioned impacts. For most of the impacts mentioned, the objections are based on inadequacy of

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mitigation measures.

The opening brief also has a section entitled "Growth inducing impacts," but it is difficult to figure out what point petitioner is attempting to make. Petitioner contends that an EIR must discuss growth inducing impacts not only from the project, but also from other necessary components necessitated by the project. (San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus (1994) 27 Cal.App.4th 713) Petitioner focuses on water storage facilities (21 AR T165IV: 7844), sewer facilities (21 AR T165IV: 7848), and roadway improvements.

But as noted above, the EIR does not commit to having off-site roadways built. It simply assumes they will be built. While water storage facilities will be built for the project, there is nothing which indicates they will be used by other projects or will otherwise induce growth. Finally, the reference to sewer facilities is equally perplexing because the EIR (at the portion of the record cited by petitioner) essentially states that "the Eastern Municipal Water District has indicated that existing and planned sewage treatment capacities are adequate to serve the project." It does not appear that additional sewer facilities (which may induce growth) will be necessitated by the project.

2. Failure to adopt mitigation measures:

Petitioner claims that respondent failed to adopt adequate mitigation measures. Again, petitioner's opening brief makes reference to a laundry list of impacts such as land use, seismic & geology, flooding, noise, biological resources, cultural resources, traffic, water and sewer. The only argument that has merit is the argument similar to the one made by Temecula regarding the mitigation measures for traffic.

3. Adequacy of water supply:

Petitioner points out that Water Code §10910 et seq. and CEQA Guidelines §15083.5 require that in residential developments of more than 500 units, the lead agency must notify the public water system serving the project and request that the water agency indicate whether the projected water demand associated with the project was included in its last urban water management plan and assess whether the total projected water supplies available will meet the projected water demand associated with the proposed project in addition to the system's existing and planned future use.

However, the record indicates that the Eastern Municipal Water District ("EMWD") responded to the County's queries and concluded that its current and projected levels of water supply were adequate to meet the long term needs of the project and future development in the area. (AR, 7843-44, 9256-58.) As a condition to each phase of the project, real party is required to provide a "will serve" letter from EMWD confirming the availability of water to the phase. (AR, 7849, 7616, 9956, 10053.) Accordingly, an adequate analysis of the water supply was conducted.

4. Project alternatives:

Petitioner claims that environmentally superior alternatives were rejected by respondent without substantial evidence in the record. Specifically, petitioner contends that Alternative "B"

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(Boulder Creek Plan alternative) was improperly rejected as being infeasible. (AR, 7979.)

The finding of the infeasibility of Alternative "B" does not meet the requirements of Citizens of Goleta v. Bd. Of Supervisors (1988) 197 Cal.App.3d 1167. The fact that an alternative may be more expensive or less profitable is not sufficient to show the alternative is financially infeasible. What is required is evidence that the additional costs are sufficiently severe as to render the alternative impractical. The record contains no data or analysis of the costs or the economic benefits of the Boulder Creek Plan alternative.

For the foregoing reasons, both the petitions are granted. It is ordered that peremptory writs of mandate issue directing that respondent set aside its approval of the project and the certification of the EIR, and that respondent prepare a supplemental or subsequent EIR which adequately reviews and addresses the project's traffic impacts/mitigation and the project's cumulative impacts, and which properly reconsiders Alternative "B".

Petitioners are hereby directed to submit and serve proposed judgments and proposed peremptory writs of mandate. Unless good cause is shown, the judgments shall contain the following language:

The court shall retain jurisdiction over the proceedings pursuant to Pub. Res. C. § 21168.9(b). Nevertheless, the court intends this to be a final, appealable judgment. Costs and attorney fees, if any, may be claimed pursuant to CRC 870, 870.2. Under Pub. Res. C. §21168.9(c), the Court does not direct respondent to exercise its lawful discretion in any particular way. Nothing in the judgment or peremptory writ should be construed as requiring respondent or real party to go forward with the project, or to re-approve the project, or to take any particular action other than as specifically set forth herein.

Respondent shall file a return to the peremptory writ no later than 90 days after the date of the issuance of the peremptory writ which shall state that an appeal from the judgment has or will be filed or that it has complied with the order to set aside its approval of the project.

Addendum

Ruling on Issues Raised at the May 5, 2003 Hearing

The request by Real Party in Interest for judicial notice of the legislative history by Public Resources Code §21168.9 is denied. The request to stay the project and sever the issues is denied.

Petitioners contend that Guidelines §§ 15162 and 15163 prevent the court from ordering a supplemental or subsequent EIR. The Guidelines are restriction on the activities of the lead agency, not the court.

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Public Resources Code § 21168.9 provides as follows:

“(a) If a court finds, as a result of a trial, hearing, or remand from an appellate court, that any determination, finding, or decision of a public agency has been made without compliance with this division, the court shall enter an order that includes one or more of the following:

[¶] . . . [¶]

(3) A mandate that the public agency take specific action as may be necessary to bring the determination, finding, or decision into compliance with this division.”

“Subdivision (a)(3), which has been understood to allow courts considerable flexibility in fashioning relief, was not amended in 1993.” (Guide to CEQA (1999) 10.Ed, p. 648)

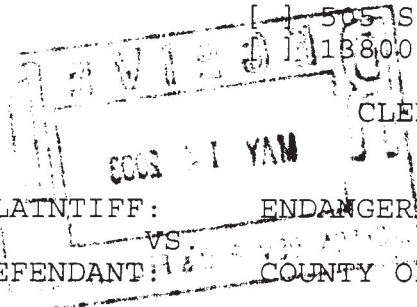
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

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CLERKS CERTIFICATE OF MAILING

PLAINTIFF: ENDANGERED HABITATS LEAGUE INC.
VS.
DEFENDANT: COUNTY OF RIVERSIDE

Case No. 369801

TO: JACKSON, DEMARCO & PECKENPAUGH
2030 MAIN ST
12TH FLOOR
IRVINE CA 92614

I, clerk of the above entitled court, do hereby certify I am not a party to the within action or proceeding; that on the date below indicated, I served a copy of the attached STATEMENT OF DECISION[by depositing said copy enclosed in a sealed envelope with postage thereon fully prepaid in the mail at Riverside, California addressed as above.

CLERK OF THE COURT

Dated: 05/12/03

By: R. G.
ROSE ESPARZA



Response No. 19

Michele A. Staples, Jackson Tidus, A Law Corporation

September 19, 2022

- 19-1 This comment serves as an introduction; it summarizes the main concerns addressed throughout the rest of the letter and provides background legal information relative to the Domenigoni-Barton properties. The commentor is representing the owners of the Domenigoni-Barton Specific Plan 310 (“Specific Plan 310”) for which Environmental Impact Report No. 421 (“EIR 421”) was certified by the County. The commentor generally expresses concern over the legality of the proposed project in light of the approved Specific Plan 310, which has already undergone environmental review with an adopted EIR. The commentor requests that the County exempt Specific Plan 310 from the VMT Mitigation Fee and other mitigation measures proposed by the Draft EIR because the County already approved EIR 421 and no changes are proposed to Specific Plan 310. Responses to individual comments are provided below.
- 19-2 The commentor describes concerns related to the Draft EIR’s evaluation of the potential increase in dwelling units, due to removal of the existing 9% reduction policy. The commentor goes on to express that approved projects such as Specific Plan 310 cannot undergo additional environmental analysis and mitigation measures unless there are substantial changes or new information and cites case law for substantiation (State CEQA Guidelines Section 007(c); *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301; *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515, 532.). The commentor re-states the opinion that future development projects implemented under Specific Plan 310 should not be subject to the VMT Mitigation Fee or other mitigation measures in the Draft EIR. In accordance with State CEQA Guidelines Section 15182, *Projects Pursuant to a Specific Plan*, certain residential, commercial, and mixed-use projects are exempt from CEQA if they are determined to be consistent with a specific plan for which an environmental impact report was certified. The Winchester Community Plan would not require modifications to projects that have already been entitled; however, it would apply to new single-family residential entitlements within existing adopted/approved Specific Plans as the VMT fee will be a new impact fee, same as any other development impact fee, that would apply to future entitlements. Nonetheless, the County of Riverside would review future development projects implemented under Specific Plan 310 to verify conformance and eligibility for CEQA exemption. Refer to Response 4-2 for a discussion regarding applicability of the VMT Mitigation Fee.
- 19-3 The commentor summarizes a few of the proposed amendments described in the Draft EIR. The commentor states that Section 3.3, *Project Characteristics* (Draft EIR page 3-4) describes four Area Plans to be amended, while the subsection in Section 3.3 titled “Area Plan Amendments” (Draft EIR page 3-5) describes only three. The project would amend four Area Plans, including the Harvest Valley/Winchester Area Plan, Sun City/Menifee Valley Area Plan, San Jacinto Valley Area Plan, and Southwest Area Plan. However, it would only modify the boundaries of the Harvest Valley/Winchester Area Plan, Sun City/Menifee Valley Area Plan



and Southwest Area Plan; refer to revised Draft EIR Exhibit 3-10, *Area Plan Amendments*. This correction is acknowledged and has been made to Draft EIR Exhibit 3-10, *Area Plan Amendments*, and is reflected in Final EIR Section 4.0, *Draft EIR Text Revisions*. This change provides a minor update, correction, or clarification and does not represent “significant new information” as defined in CEQA Guidelines Section 15088.5.

The commentor goes on to state that the text of amendments proposed have not yet been published, with the exception of the new Design Guidelines, and as such, opines that the Draft EIR’s Project Description is incomplete because the ultimate extent of project activities is not fully defined. The proposed changes to the General Plan are limited to those required to maintain internal consistency with the proposed project. As stated in Draft EIR Section 3.3, *Project Characteristics*, the proposed general plan amendment (GPA No. 1207) would amend the Riverside County General Plan by:

1. Expansion of the existing Winchester Policy Area from approximately 287 acres to approximately 23,143 ~~23,153~~ acres of land within the General Plan’s Harvest Valley/Winchester Area Plan.
2. Amending the boundaries of the General Plan’s Harvest Valley/Winchester, Sun City/Menifee, and Southwest Area Plans so that the expanded Winchester Policy Area falls within the limits of the Harvest Valley/Winchester Area Plan only.
3. Revising General Plan Land Use Designations within the expanded Winchester PA, including Foundation Component amendments. Approximately 227 parcels totaling 1,480 acres would require Foundation Component Amendments that include changes from the Rural and Rural Community components to the Community Development component. Consistency zoning revisions would occur for approximately 921 parcels in the future as a result of the revised General Plan Land Use Designations proposed as part of the project, and are analyzed as part of the EIR.
4. Amending the General Plan’s Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Menifee Valley Area Plan to remove ~~revise~~ the existing Highway 79 Policy Area and therefore remove ~~language by removing~~ the 9% reduction in density for residential projects. This policy will be replaced with a fee on newly entitled dwelling units (not dwelling units already entitled), to fund mobility related improvements, such as but not limited to, a vehicle park-n-ride and transit station within the Winchester downtown core area. These revisions to remove the Highway 79 Policy Area language will be carried throughout the General Plan document, where necessary, for internal consistency. The Highway 79 Policy Area boundary includes approximately 50,061 acres. Additionally, revisions to several policies within the Area Plans to address



the transition from level of service (LOS) to vehicle miles travelled (VMT) thresholds in environmental assessment such as this document.

The project also proposes the creation of new Design Guidelines for the Winchester Policy Area.

The project proposes planning policies and direction to guide change, promote quality development, and implement the community's vision for the area (State CEQA Guidelines Section 15124 [c]; intended uses of an EIR). The project includes amended General Plan Land Use and Circulation Elements, Design Guidelines, and administrative and implementation programs to encourage high-quality development within the community by addressing the following topics:

- Land use and housing
- Community character and design
- Preservation of natural resources
- Open space and recreation
- Mobility and transportation

As an implementing action of the project, future zoning consistency changes will be undertaken by the County as a result of the modified General Plan Land Use Designations proposed as part of the project. This effort would be limited to rezoning impacted parcels to create consistency between the General Plan Land Use and Zoning Designations. Future consistency zoning has been analyzed in sufficient detail in the Draft EIR, and the full text of the General Plan Amendment is not necessary for the County of Riverside to make an environmentally informed decision on the project. Thus, the County affirms that Draft EIR Section 3.0 adequately provides a general description of the project characteristics consistent with State CEQA Guidelines Section 15124 (c).

In addition, consistent with State CEQA Guidelines Section 15124 (a), Section 3.0 of the Draft EIR includes both a narrative description and corresponding exhibits on the precise location and boundaries of the proposed project; refer to Draft EIR Section 3.1, *Project Location and Setting*. Draft EIR Section 3.0 also includes a statement of the objectives sought by the proposed project consistent with State CEQA Guidelines Section 15124 (b); refer to Draft EIR Section 3.5, *Goals and Objectives*. Agencies expected to use the EIR in decision making and a list of anticipated permits and approvals are provided in Draft EIR Section 3.6, Discretionary Approvals, consistent with State CEQA Guidelines Section 15124 (c). As such, the Draft EIR has sufficiently described the project components in conformance with the provisions of State CEQA Guidelines Section 15124, *Project Description*, and the environmental analysis included in the Draft EIR is sufficient for the project as a community plan per State CEQA Guidelines Section 15183, *Projects Consistent with a Community Plan or Zoning*.



- 19-4 The commenter also opines that the Draft EIR fails to disclose and evaluate potential land use inconsistencies with approved specific plans, including Specific Plan 310. The General Plan Land Use changes proposed by the project are described on Draft EIR page 3-6, and the change between the existing Riverside County General Plan development potential and the project's development potential, as analyzed in the Draft EIR, is presented in Draft EIR Table 3-1, *Proposed General Plan Land Use Changes*, and depicted on Exhibit 3-11, *Proposed Winchester Policy Area Land Use Designation Changes*. Further, the County established the baseline date for the proposed project as the date of the Notice of Preparation (April 18, 2019). As Specific Plan 310 was approved in 2001 and predates the Notice of Preparation, it was considered in the environmental baseline for the Winchester Community Plan and was evaluated in the Draft EIR. Thus, the County affirms that the Draft EIR evaluates the project's land use impacts on approved specific plans, including Specific Plan 310.

The commenter opines that the "freeze on development" resulting from Mitigation Measure VMT would create an inconsistency with the County's Housing Element and would impair the development of housing, infrastructure, employment opportunities and services to the area. As noted in Draft EIR Table 3-2, *Project Development Potential*, the project will facilitate an additional 12,329 dwelling units above what the County's General Plan currently allows for the project area and the proposed General Plan Land Use Designation amendments will facilitate higher density residential projects, including mixed-use developments; thereby, aiding in achieving a greater variety and increased density in the housing stock for the area. The project's addition of the 12,329 dwelling units will also fulfill approximately 30 percent (30%) of the County's required 6th Cycle RHNA allocation of 40,647 dwelling units; refer to Draft EIR Section 4.14, *Population and Housing*. Refer to Response 4-2 and 19-2 for a discussion regarding applicability of the VMT Mitigation Fee.

- 19-5 The commenter states concerns related to the transportation impacts analysis conducted for the project, stating that the impacts rely on the Highway 79 Realignment Project, which is a separate approved, but incomplete project. The commenter refers to the Circulation Element discussion in Draft EIR Section 3.3, *Project Characteristics*, and the Removal of an Impediment to Growth discussion in Draft EIR Section 6.3, *Growth Inducing Impacts*.

The discussion in Draft EIR Section 3.3, *Project Characteristics*, is not an impact analysis, but rather a description of the proposed amendments and the reasons that they are being proposed. The reference of Highway 79 Realignment in this section is included to provide context of future growth and development within the project area, not to provide an analysis on environmental impacts.

The reference of Highway 79 Realignment in Draft EIR Section 6.3, *Growth Inducing Impacts*, discloses that the project would not remove an impediment for growth, because the realignment of Highway 79 is a separate approved project and not part of the Winchester Community Plan project. Therefore, the proposed project would not be removing an existing



impediment for growth. The discussion in Draft EIR Section 6.3 is not an analysis of transportation-related impacts.

The commenter inappropriately refers to *Endangered Habitats League vs County of Riverside (2003)*, in which the Court held that it was improper for the County to rely on “paper roads” to come to the conclusion that traffic impacts will be less than significant. This is not what occurred as part of the Draft EIR. The transportation impacts identified in Draft EIR Section 4.17, *Transportation* are based on the *Draft SB 743 Analysis (VMT Analysis)* prepared by Kimley-Horn and Associates, Inc., dated December 1, 2020; see Draft EIR Appendix E, *VMT Analysis*. The conclusions are supported by the County of Riverside General Plan and General Plan EIR (EIR No. 521). Impact TRA-1 (Draft EIR page 4.17-16) was found to be Less than Significant, due to its consistency with applicable plans and policies. Impact TRA-2 (Draft EIR page 4.17-18) was found to be Significant and Unavoidable with Mitigation Incorporated, based on the VMT analysis conducted which compared existing conditions to a variety of cumulative scenarios. Impact TRA-3 (Draft EIR page 4.17-23) was found to be Less than Significant, because the project would include design features that enhance public safety. Impact TRA-4 was found to be Less than Significant with Mitigation Incorporated, since future development within the project area would be required to prepare a Construction Transportation Plan (Mitigation Measure TRA-2), thus reducing impacts on emergency access to less than significant levels. Therefore, the County affirms that the Draft EIR’s transportation impact analysis does not rely on “paper roads” to come to the conclusion that traffic impacts will be less than significant .

- 19-6 The commenter generally states that the VMT Mitigation Fee outlined in Mitigation Measure TRA-1 is not based on sufficient data and that the relationship between the fee and the development required to pay the fee is not sufficiently outlined. The commenter also expresses concerns related to the Nexus Study published by the County, which outlines cost estimates and details regarding a Metrolink and a Park and Ride facility. Refer to Response 4-2.
- 19-7 The commenter states that since Specific Plan 310 is an approved project, it should not be subject to environmental review and mitigation under the Winchester Community Plan. Refer to Response 19-2.
- 19-8 The commenter generally states that Mitigation Measure TRA-1 causes a moratorium on residential development, pending adoption of the associated VMT Mitigation Fee. Refer to Response 4-2.
- 19-9 This comment contains conclusive remarks, summarizing the contents and statements of the letter. This comment is acknowledged and does not raise any new issues. As such, no further response is necessary.



September 19, 2022

Via E-Mail

Riverside County Planning Department
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MBaeza@rivco.org
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Riverside County Planning Department
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Attn: John Hildebrand
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Winchester Municipal Advisory Committee
Attn: Cindy Domenigoni and Andy Domenigoni
31851 Winchester Rd
Winchester, CA 92596
sky.canyon@verizon.net

Re: County of Riverside Winchester Community Plan EIR (Draft EIR”) – Assessor’s Parcel Numbers 465-180-037 and 465-200-020 on Domenigoni Parkway, Winchester, California (the “Property”)

All:

20-1

Please accept this correspondence on behalf of Lansing Industries, Inc. and Hemet 223, LLC (collectively, “Lansing”), which have acquired the right to purchase the Property. As you are aware, the Property’s land use under the existing general plan is designated as “Public Facilities” based on its prior use and ownership by Metropolitan Water District (“MWD”). It has come to Lansing’s attention that during the community plan update process and Draft EIR preparation phase properties adjacent to the Property, which are also designated as “Public Facilities”, have been included in the community plan update as “Mixed Use Area” and identified as such when completing the technical studies supporting the Draft EIR. While MWD opined on the update process in a formal letter, it failed to address potential land use changes to the Property at the time. Now that adjacent properties are set to have their land uses modified with the community plan update and Draft EIR, keeping the Property with the “Public Facilities” designation will make it inconsistent with surrounding uses and inconsistent with current zoning. Until this is resolved, Lansing

September 19, 2022

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would be opposed to the current Draft EIR and community plan update.

In light of these inconsistencies, Lansing is requesting the County include the Property in Draft EIR and community plan update with a general plan designation of “Light Industrial” or “Heavy Industrial” and a zoning designation of “Industrial Park” to support logistics and e-commerce uses. The Property is located adjacent to Domenigoni Parkway, a major transit corridor with adequate circulation facilities, and would provide economic growth and employment opportunities.

If you have any questions or concerns regarding the foregoing, please do not hesitate to contact us at any time.

Sincerely,

DocuSigned by:
Paul Pitingaro
C208C32BB6FF476...

By: _____

Paul W. Pitingaro, Esq.
Associate General Counsel



Response No. 20

Paul W. Pitingaro, Lansing Companies

September 19, 2022

20-1 The commentor is writing on behalf of owners of two parcels located on Domenigoni Parkway. They describe their understanding that adjacent properties would be updated to a General Plan Land Use Designation of Mixed Use Area. The commentor requests that the County revise the General Plan Land Use Designation of their parcels from Public Facilities to Light Industrial or Heavy Industrial, and revise the Zoning Designation to Industrial Park. This request will be provided to decision makers during project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted.

September 20, 2022

Manuel Baeza
Principal Planner
County of Riverside TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

RE: Draft Environmental Impact Report for the Winchester/Homeland Community Plan

Dear Mr. Baeza,

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the Winchester Community Plan, as described below. Following the Project summary, the City of Menifee offers comments on the DEIR.

The County of Riverside ("County") proposes a General Plan Amendment through a project entitled "Winchester Community Plan" ("Project"). The Project is located to the east of the City of Menifee ("City"). The County prepared a Draft Environmental Impact Report ("DEIR") for the Project. The proposed project consists of General Plan Amendment No. 1207 (Winchester Community Planning and Highway 79 PA) to provide updated community design and policies as follows:

- The expansion of the existing Winchester Policy Area from the approximately 287 acres to approximately 23,153 acres of land within the General Plan's Harvest Valley/Winchester Area Plan.
- Boundaries of the General Plan's Harvest Valley/Winchester, Sun City/Menifee and Southwest Area Plans will be modified so that the entire expanded Winchester Policy Area (PA) will fall within the boundaries of the Harvest Valley/Winchester Area Plan only.
- The modification of land use designations within the expanded Winchester PA, including Foundation Component amendments. Approximately 227 parcels (totaling 1,480-acres) are proposed for Foundation Component Amendments that include changes from the Rural and Rural Community components to the Community Development component. The environmental document also includes the analysis of consistency zoning revisions for approximately 921 parcels that will occur in the future because of the Project.
- Amending the General Plan's Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Menifee Valley Area Plan to revise the existing Highway 79 Policy Area language by removing the 9% reduction in density for residential projects. This policy will be replaced with a fee on newly entitled dwelling units (not dwelling units already entitled), to fund mobility related improvements, such as but not limited to, a vehicle park-n-ride and transit station within the Winchester downtown core area. These revisions to the Highway 79 Policy Area language will be carried throughout the General Plan document, where necessary, for internal consistency. The Highway 79 Policy Area boundary includes approximately 50,061 acres. Additionally, revisions to several policies within the Area Plans to address the transition

from level of service (LOS) to vehicle miles travelled (VMT) thresholds in environmental assessment such as this document.

- Approval and adoption of Winchester Community Planning Design Guidelines

The City previously provided comments on the Notice of Preparation of a DEIR, in its May 20, 2019, letter to the County regarding the environmental analysis for the Project pertaining to Traffic, Air Quality, Greenhouse Gases, Land Use and Planning, Population and Housing, and Cumulative Impacts. The City's primary desire was for a thorough analysis of these factors. The City also desired (1) identification of off-site improvements in the DEIR, (2) for construction of off-site road improvements in the City, a condition of approval ("COA") that such improvements will be subject to the City's review and approval, including its required deposit, (3) coordination with the County to identify all approved and pending City projects for purposes of the cumulative analysis and traffic study, (4) coordination with the County on any mitigation measure of future improvements for roadways within the City, and (5) to receive subsequent notice on environmental documents.

Upon review of the DIER, the City of Menifee identifies following issue of concern related to the project description, proposed elimination of the Highway 79 Policy as a Circulation Element Amendment, Land Use Amendment, and specific CEQA section analyses, all summarized below:

Project Description

21-2

Exhibit 3-3 of the DEIR, depicts "Proposed Harvest/Winchester Area Plan Additions." The City notes that the addition identified as area 1, expands the boundary of the current Harvest Valley/Winchester Area plan by approximately 1,900 acres. This area is bounded by Old Newport Road to the north, Scott Road to the south, Briggs Road to the west and Leon Road to the east. As shown on Exhibit 3-10 of the DEIR, this proposed change takes all of this area east of the City of Menifee and currently within the Sun City/Menifee Valley Area Plan and places it into the Harvest Valley/Winchester Area Plan. The DEIR provides no discussion, support or analysis in either the Project Description or Land Use Section as to why this area should be added to the Area Plan. The City believes this area bears more relation to the City's future planning and less relation to the Winchester Community, as much of future development in this area will primarily be adjacent to development in Menifee, be accessed from the I-215 Freeway via City roadways (e.g., Scott, Garbani, Holland, and Newport Roads). Further, new residents in this area will primarily shop, eat, drink, work, and play in Menifee. Therefore, the City objects to expansion of the Winchester/Harvest Valley Area plan west beyond its current boundary and requests that this area remain in the Sun City/Menifee Valley Area Plan.

21-3

In general, there is lack of clarity on how the General Plan and Community Plan is specifically being amended. The proposed project is called the Winchester Community Plan; however, the County has not produced or made available a draft community plan for public review. Rather, based on information provided by County staff and as far as we can determine, the plan consists of revisions to the existing Winchester Harvest Valley Area Plan of the County General Plan, which cannot be clearly seen because they have not been made available for review. Instead, the plan amendments are only described in the DEIR.

While proposed Exhibit 3-11 shows where land use changes will occur and what the proposed future land uses for these areas will be, the DEIR fails to show how each area is specifically changing in terms

of existing and proposed General Plan land use for each area, and only provides overall changes for each land use category for the planning area. The DEIR provides existing land use (generic land use categories and existing zoning) but does not provide an exhibit showing existing General Plan land use.

21-4

Since the Winchester Community Plan consists of a General Plan amendment to the Harvest Valley/Winchester Area Plan, it's not clear why the boundaries of the Winchester Community Plan differ from the Harvest Valley/Winchester Plan which consists of a larger area extending north of State Route SR-74. Does the Winchester Community Plan intend to divide an established community that consists of the larger Harvest Valley/Winchester Area Plan?

21-5

Without a clear project description, questions remain regarding the adequacy of the CEQA analysis, which should be based on the Project. We respectfully request all project documents/amendments be provided for adequate public review.

Highway 79 Policy Circulation Element Amendment

Page 3-8 of the DEIR states:

21-6

“the project proposes to amend the County’s Circulation Element by revising the existing Highway 79 Policy Area language. Highway 79 is a State highway and is an important north-south regional transportation link that runs through the project area and connects multiple jurisdictions both north and south of the project area. This policy area was established by the County in an effort to address transportation infrastructure capacity within the policy area. In 2003, when the County adopted the General Plan, the necessary roadway infrastructure for Highway 79 did not exist to accommodate the amount of growth that was slated for the corridor. Therefore, the Highway 79 Policy Area was added to the General Plan, placing a nine percent reduction on new residential developments within the affected area. This nine percent reduction is taken from the midpoint density of the underlying General Plan land use designation.

In 2016, Caltrans issued a Record of Decision establishing a preferred alternative for the realignment of Highway 79. This alternative would realign and widen Highway 79 throughout the project area; thereby, providing improved circulation and traffic capacity for the area. As a result of the future improved capacity given the Caltrans Record of Decision and recent constructed and planned transportation projects in the area, the nine percent residential reduction policy area language would be amended, and the General Plan would be updated accordingly. As such, the amended Policy would expand and allow for full development of residential uses throughout the Highway 79 Policy Area, increasing residential development capacity within by nine percent.”

In addition, revisions to several policies within the Circulation Element are a part of the project to address the transition from LOS to VMT thresholds in environmental assessments.

The City has the following concerns with the proposed Circulation Element amendments:

A Caltrans Record of Decision for a preferred alternative for realignment and widening of Highway 79 is not an approved or funded realignment and widening project. The proposed amendment relies on a future improved capacity that currently does not exist and will likely not exist for many years to come or at all. As a result, the amended policy to increase the residential development capacity by 9 percent is

premature given that the necessary roadway infrastructure for Highway 79 still does not exist to accommodate the amount of growth that was slated for the corridor. Furthermore, there is no guarantee if, or when the future realignment and widening will occur. In addition, future development will use routes/facilities other than Highway 79 that are not improved appropriately to handle the increase. Therefore, the City respectfully requests reconsideration or additional analysis and mitigation of the resulting density increases.

General Plan Land Use Changes/Land Use Section

Per Table 3-1: Proposed General Plan Land Use Change, significant changes to General Plan land use are proposed with the project. Notably, the lowest density rural land use designations (e.g., Rural Residential, Rural Mountainous, and Rural Community EDR (RC-EDR)) would be reduced by roughly 1,700 acres, and higher density and intensity land uses (e.g., Medium High Density Residential (MHDR), Light Industrial (LI), Business Park (BP) and Mixed-Use Planning Area (MUA)) would be increased by more than 750 acres (see highlighted in Table 3-1 below).

Table 3-1: Proposed General Plan Land Use Changes

21-7

Land Use Designation	Acreage		
	Existing	Proposed	Change
Agricultural Foundation Component			
Agriculture (AG)	80	80	0
Rural Foundation Component			
Rural Residential (RR)	1,173	894	-279
Rural Mountainous (RM)	1,622	1,590	-32
Rural Community Foundation Component			
Rural Community - EDR (RC-EDR)	1,424	13	-1,411
Rural Community - LDR (RC-LDR)	0	421	421
Open Space Foundation Component			
Conservation (OS-C)	987	1,043	56
Conservation Habitat (OS-CH)	3,000	3,016	16
Water (OS-W)	2,705	2,705	0
Open Space Recreation (OS-R)	1,617	1,607	-10
Community Development Foundation Component			
Estate Density Residential (EDR)	741	741	0
Very Low Density Residential (VLDR)	314	182	-132
Low Density Residential (LDR)	500	388	-112
Medium Density Residential (MDR)	4,404	4,407	3

Medium-High Density Residential (MHDR)	456	724	268
High Density Residential (HDR)	164	164	0
Very High Density Residential (VHDR)	30	30	0
Highest Density Residential (HHDR)	33	33	0
Commercial Retail (CR)	504	394	-110
Commercial Tourist (CT)	496	584	88
Light Industrial (LI)	288	465	177
Business Park (BP)	152	676	524
Public Facilities (PF)	1,656	1,579	-77
Mixed-Use Planning Area (MUA)	797	1,407	610
Total	23,143	23,143	--
Note: Numbers may not add due to rounding.			

The City has the following concerns with the proposed Land Use Element amendments:

In addition to the proposed amendment to the Highway 79 Policy Area language, the project includes General Plan land use changes that will increase residential densities for several hundred acres throughout the project area further increasing the total projected number of units and population by 21 percent for the project area. For the Winchester Policy Area plus the Highway 79 Policy Area (CEQA Project):

- Total number of residential units will increase by 12,329 units from 59,141 units to 71,470 units (a 21 percent increase).
- Total population will increase by 35,139 from 168,551 to 203,690 (a 21 percent increase).

As previously stated above, Exhibit 3-11 below shows where land use changes will occur and what the proposed future land uses for these areas will be, but fails to show how each area is specifically changing in terms of existing and proposed General Plan land use for each area. In particular, the following changes would occur immediately east of the City:

- Proposed Mixed-Use Area (MUA) land use at Briggs and Case Road immediately east of the City's Heritage Lakes community. Per the existing County General Plan Land Use Element and the Harvest Valley/Winchester Area Plan, it appears that the existing land use for this area is Commercial Retail. The proposed change to MUA would allow for a mixture of residential, commercial, office, entertainment, educational, and/or recreational uses, or other uses; however, it's not clear from the General Plan what the maximum intensity and density is for the MUA designation and the City would like to have a better understanding of how the intensity of the MUA designation will differ in this regard from the CR land use.
- The Medium-High Density Residential (MHDR) proposed along Briggs Road between Simpson and Domenigoni Roads and MHDR proposed further east along Case Road and Grand Avenue. Per the existing County General Plan Land Use Element and the Harvest Valley/Winchester Area

Plan, it appears that the existing land use for this area is Medium Density Residential (MDR). This change will increase residential densities from the 2 to 5 dwelling units per acre (MDR) to 5 to 8 dwelling units per acre. These are sizable areas where the changes will increase and concentrate land use intensity and densities in areas near Menifee where there is lack of roadway improvements and infrastructure.

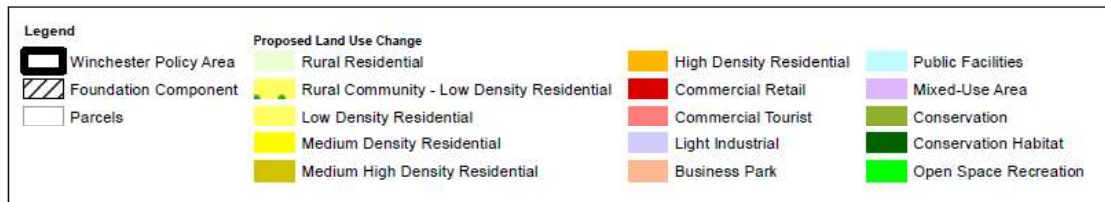
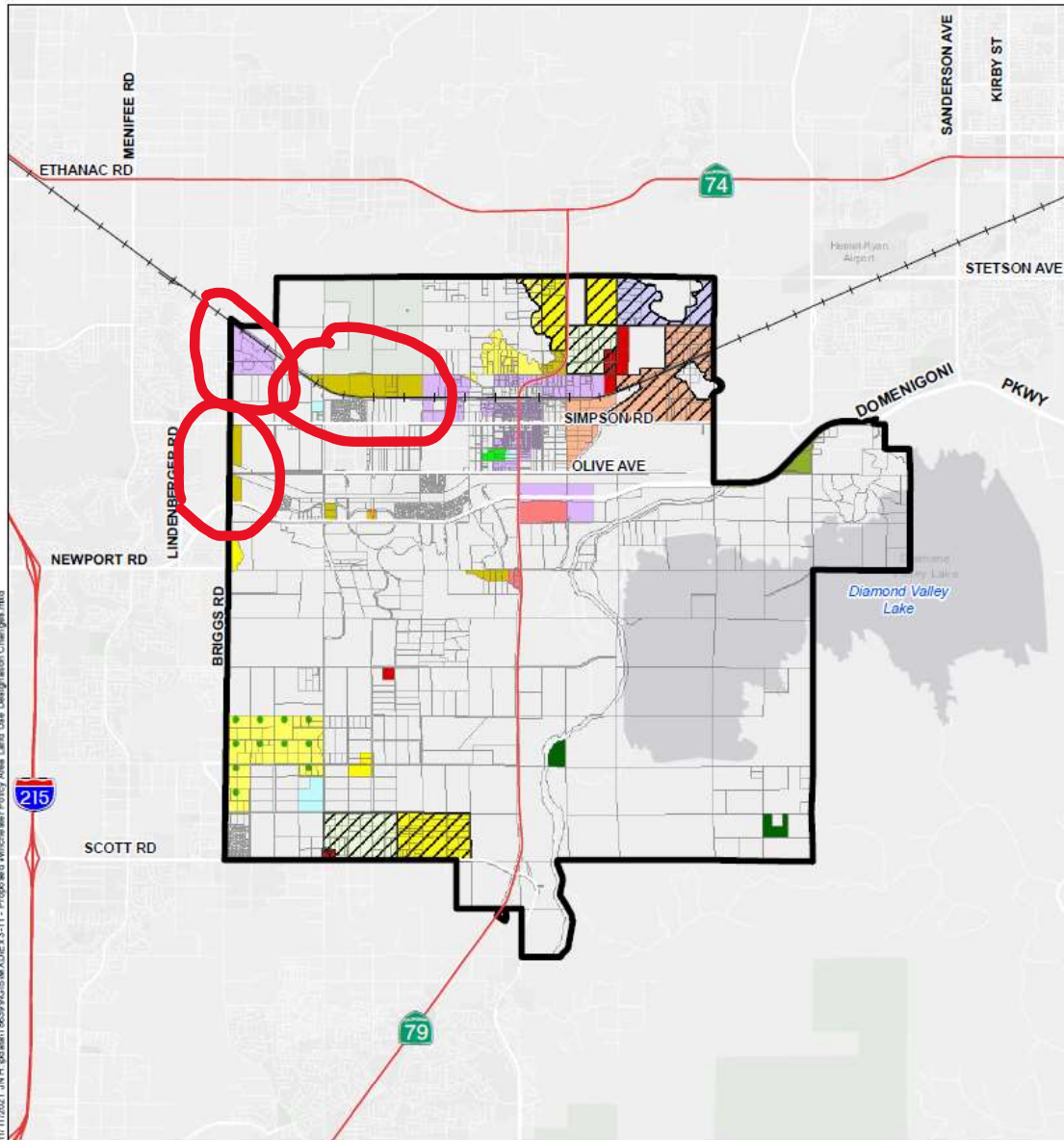


Exhibit 3-11

CEQA Analysis

21-8

The City provides the following additional comments specific to the analysis and mitigation of the DEIR by impact area.

Significant and Unavoidable Impacts

The DEIR describes significant and unavoidable impacts that would result from the Project (i.e., impacts that cannot be reduced to less than significant levels through mitigation measures). The impact areas that would be significant and unavoidable include, Agricultural, Air Quality, Greenhouse Gas, Land Use and Planning, Noise and Vibration, and Transportation. Impacts should only be significant and unavoidable after exhausting all feasible mitigation; however, there are no mitigation measures for certain “Significant and Unavoidable” impact areas, including:

21-9

- AG-1, Conversion of Important Farmland. The analysis for this impact area is inadequate in that it provides no discussion on how impacts might be reduced through mitigation or, if mitigation is not feasible, why it is not feasible. It merely concludes that no mitigation measures are required, yet impacts would be significant and unavoidable.
- AG-2, Williamson Act Contract. The analysis for this impact area is inadequate in that it provides no discussion on how much land within the County of Riverside Agricultural Preserve (pursuant to the Williamson Act and County Resolution No. 84-526) or number of properties with current Williamson Act contracts would convert from agricultural to urban land uses resulting from the proposed land use changes. Impacts in this area would be significant and unavoidable because any change of land use to urban land use for a property subject to a Williamson Act contract would conflict with the Williamson Act, as such property cannot be developed for urban land uses until such time that non-renewal of or cancellation of a Williamson Act contract is completed. However, there is no clear analysis of the extent of the impact, and the DEIR fails to provide any discussion on how impacts might be reduced through mitigation or, if mitigation is not feasible, why it is not feasible. The analysis merely concludes that no mitigation measures are required, yet impacts would be significant and unavoidable.
- AQ-1, Short-Term (Construction) Air Emissions. There are a multitude of feasible mitigation measures that could be included to lessen short-term air emissions impacts, yet none are provided, and impacts are found to be significant and unavoidable.
- LU-2, Land Use Plans. While the Mitigation Measures column of Table ES-1 (Summary of Project Impacts and Mitigation Measures) refers to Section 4.2 (Agriculture and Forestry Resources), and 4.7 (Geology and Soils) for mitigation measures for this impact area, no mitigation measures can be found for these sections. Where and what are the mitigation measures for this impact area?

Land Use and Planning

21-10

General comment: As indicated above, it is not clear from the General Plan what the maximum intensity and density is for the MUA designation, as it appears that none exists for that designation. Therefore, it

is unknown how the intensity of the MUA designation differs from the CR land use. Without knowing what the limitations are for this land use and its corresponding MUA Zone, the DEIR cannot adequately analyze the impacts of this change. Per State law, the intent of CEQA is to fully disclose the details of the project and its impacts, and to do so it is necessary that the County clearly show, specifically how the existing plan is changing.

21-11 | **Land Use - LU-1, Page 4.11-10:** Item LU-1 defers evaluation of when a project will divide an existing community to the future CEQA review for that project.

21-12 | **Transportation:** The City is concerned with the amount of traffic the Project might generate on corridors which run through City boundaries. Specifically, impacts to Simpson Road, Domenigoni Parkway/Newport Road, Holland Road, Garbani Road, and Scott Road. The City requested opportunity for input on the traffic analysis in the City's May 20, 2019 comment letter to the County for the Notice of Preparation; however, the City was not provided that opportunity. The City requested input into road improvements in the City, and mitigation of impacts to the City; however, the City was not provided that opportunity. The City also requested that off-site improvements be identified in the DEIR; however, the DEIR defers those improvements to project-specific review.

Regarding deferral of CEQA review for future projects in the Land Use and Transportation impacts indicated above, when such projects would involve off-site improvements in the City of Menifee (e.g., roadway improvement/expansion projects), such off-site improvements are subject to City review and approval and applicable administrative fees. As such, the Project/DEIR needs to address and require conditions of approval on future projects as necessary, for review and approval of such improvements by the affected local agency/jurisdiction including payment of administrative fees and that such development/improvements will otherwise be subject to the local land use and planning authority.

Existing Street System

- **State Route SR-74:** State Route SR-74 (SR-74) is oriented east-west across the northern portion of the project (Highway 79 Policy Area). Spanning the project area's width, SR-74 is classified as an expressway with a 184- to 220-foot right-of-way (ROW) per the County General Plan Circulation Element. SR-74 is currently a four-lane roadway with a center two-way left turn lane. The Expressway classification per the City's General Plan Circulation Element is generally 200 – 216 feet ROW with 6 to 8 lanes travel way and a raised or graded median. Is the County proposing to modify the cross-sections for Expressways?
- **Briggs Road:** Briggs Road is oriented north-south along the western edge of the project area and is classified as a Major Roadway (118-foot ROW) per the County General Plan Circulation Element. Briggs Road within the project area is a two-lane undivided roadway. Improving Briggs to a Major Road cross section is infeasible at the intersection of Briggs and Case/Matthews Roads. The DEIR does not discuss how the County proposes to accommodate the expected large traffic volumes on Briggs Road at build-out of the planning area and does not consider that Briggs Road will not be able to be improved to its ultimate capacity per the Circulation Element of the County General Plan. While recent legislation, Senate Bill (SB) 743, eliminated auto delay, LOS, and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts under CEQA; however, SB 743 does not prevent a city or county from continuing to analyze delay or LOS as part of other plans (i.e., the general plan), studies, or

ongoing network monitoring. Consistent with the current County General Plan LOS goals and policies, the County needs to appropriately analyze the impacts, identify and condition necessary improvements to other routes/roadways to accommodate increased traffic that cannot be accommodated on Briggs Road.

- **Existing Bicycle and Pedestrian Facilities:** Bikeway and Trails in adjacent local jurisdictions connecting to trails in the planning area should be included in analysis for impacts. Especially trails within Menifee south of Scott Road, north of Keller Road, between Lindenberger and Leon Roads. The County should consider connections to regional trails outside the planning area along Salt Creek.

The DEIR identifies the roadway classification of the facilities within the County; however, as noted above, most of these roadways cross the City of Menifee Boundary. The DEIR should consider the consistency of these classifications across the boundaries of the County and the City of Menifee. For example, traffic will increase on Holland and Garbani Roads in the City of Menifee, due to development in the unincorporated areas. The DEIR does not analyze or mitigate increased traffic impacts on these roadways, yet the project must consider how the traffic will be accommodated and coordinated not only with the project area boundaries, but beyond the project area in neighboring jurisdictions.

21-14

VMT Analysis On Page 4.17-19: The City of Menifee is aware of SB 743 and the transition of transportation impacts from Level of Service (LOS) to Vehicle Miles Travelled (VMT). The City of Menifee performs both VMT and LOS traffic studies for development projects to satisfy SB 743 and the City's General Plan Policy C-1.2: "Require development to mitigate its traffic impacts and achieve a peak hour Level of Service (LOS) D or better at intersections, except at constrained intersections at close proximity to the I-215 where LOS E may be permitted." The City of Menifee recognizes the correlation between roadway and intersection congestion and the decrease in traffic safety. The City of Menifee requests that all future development proposals include a traffic LOS study be performed to include City of Menifee General Plan Circulation Element roadways and intersections where 50 or more peak hour trips are projected to be generated from the Project consistent with the City's General Plan Policy.

21-15

Mitigation Measure TRA-1, Page 4-17-23 (VMT Mitigation Fee Nexus Study): This Mitigation Measure states that, "prior to commencement of residential development within the Winchester PA and Highway 79 Policy Area (excluding areas in the Downtown Core), the County shall undertake a nexus study and adopt an ordinance creating a Vehicle Miles Travelled (VMT) Mitigation Fee for the Community Plan Area. The VMT Mitigation fee shall consist of a flat fee to be applied to new development in the Winchester Policy Area and Highway 79 Policy Area to fund the development of a transit station and park and ride facility in the downtown core. The ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy Areas (excluding residential development in the Downtown Core)."

Since the VMT Mitigation Fee and Nexus Study, will be limited to a transit station or park and ride facility in the downtown core, this will provide no mitigation or funding for impacted streets outside of the County's planning area. Beyond the VMT mitigation fee, the City would like to know what other fees or funding will be available for impacted streets outside the County's planning area? The City of Menifee has made significant investments improving collectors to major streets such as Garbani, Holland and Scott Roads. Another funding mechanism beyond VMT Mitigation Fees is needed for improvements to offset impacts to Menifee roadways due to increased traffic loads from the proposed Plan.

21-16 [We appreciate your consideration of these comments and thank you again for the opportunity to provide comments. We respectfully look forward to discussing these items further prior to this project moving forward to public hearing. If you have questions, please contact Doug Darnell, Senior Planner at 951-723-3744 or by e-mail at ddarnell@cityofmeniffee.us

Sincerely,

Cheryl Kitzerow

Cheryl Kitzerow, AICP
Community Development Director

Nicolas Fidler

Nicolas Fidler
Director of Public Works & Engineering

Cc: John Hildebrand, Planning Director, County of Riverside
Paul Swancott, Project Manager, County of Riverside
Orlando Hernandez, Planning Manager, City of Meniffee
Daniel Padilla, Deputy Public Works Director, City of Meniffee
Armando Villa, City Manager, City of Meniffee



Response No. 21

Cheryl Kitzerow & Nicolas Fidler, City of Menifee

September 20, 2022

- 21-1 This comment provides a general introduction and summary of the commentor's understanding of the project. Responses to specific comments are provided below.
- 21-2 The commentor refers to Draft EIR Exhibits 3-3, *Winchester Policy Area and Highway 79 Policy Area* and 3-10, *Area Plan Amendments*, which show the previous and proposed area plan boundaries. The commentor notes that the project proposes to expand the Harvest Valley/Winchester Area Plan by approximately 1,900 acres, which would be removed from the Sun City/Menifee Valley Area Plan. The commentor opines that the area is more connected to the City of Menifee than the Winchester Community, and expresses disagreement with the proposed change. The commentor states that the Draft EIR is lacking a discussion on why the area should be removed from the Sun City/Menifee Valley Area Plan and added to the Harvest Valley/Winchester Area Plan; further, the City objects to expansion of the Winchester/Harvest Valley Area plan west beyond its current boundary and requests that this area remain in the Sun City/Menifee Valley Area Plan. Several important planning studies and actions have taken place in recent years that have facilitated the proposed project and provide the basis for why the project is currently being proposed; refer to Response 6-2. The Winchester Community Plan is the result of years' worth of community outreach, including periodic presentations and workshops at Winchester-Homeland Municipal Advisory Council (WHMAC) meetings. An initial presentation was held on February 9, 2017, public workshops occurred on May 11, 2017, September 14, 2017, February 8, 2018, and October 11, 2018, and a project update presentation was held on April 14, 2022. The presentation slides and meeting notes are provided for public access on the County's website for the project. As elaborated in the meeting notes, a resounding theme of project outreach was that residents consider the project area a distinct community separate from the surrounding cities of Murrieta, Menifee, Hemet, and Temecula. For this reason, no changes to the Draft EIR Exhibits 3-3 or 3-10 are necessary nor required in this regard.
- 21-3 The commentor states that there is lack of clarity on how the General Plan and Community Plan are being amended, specifically regarding proposed General Plan Land Use Designations. The Draft EIR is an environmental analysis of the impacts expected by the project and is intended to provide information to the public regarding the environmental impacts associated with the project. While the General Plan Amendment No. 1207 documents were not published concurrent with the Draft EIR, the Draft EIR is based on four proposed actions outlined in Draft EIR Section 3.0, *Project Description*. Refer to Response 19-3.

Detailed exhibits and tabulations of the project's proposed General Plan Land Use Designation changes are provided in Draft EIR Table 3-1, *Proposed General Plan Land Use Changes*, and Draft EIR Exhibit 3-11, *Proposed Winchester Policy Area Land Use Designation Changes*. As such, the County affirms the Draft EIR has sufficiently described the project



components in conformance with the provisions of State CEQA Guidelines Section 15124, *Project Description*. Further, the Draft EIR has analyzed the environmental impacts associated with Land Use conflicts in Draft EIR Section 4.11, *Land Use*, and in Draft EIR Section 5, *Cumulative Impacts*.

- 21-4 The commentor states that it is unclear why the Winchester Community Plan boundaries differ from the Harvest Valley/Winchester Area Plan and asks if the project intends to divide the established Harvest Valley/Winchester Area Plan community. The Winchester Community Plan Project (project) boundaries are not equivalent to the Harvest Valley/Winchester Area Plan. Refer to Response 21-3 for a description of the components of the proposed project, as well as Draft EIR Exhibit 3-2, *Local Vicinity*, for a depiction of the project area.
- 21-5 The commentor states that the project description is not clear, and requests for project documents to be provided for public review. Refer to Responses 6-2, 19-3, and 21-3.
- 21-6 The commentor cites the discussion of the Highway 79 Policy Circulation Element Amendment on Draft EIR page 3-8 and expresses concern that the proposed amendment to increase residential development by 9 percent may be premature given that the infrastructure for the Highway 79 realignment does not yet exist. The City requests reconsideration or additional analysis and mitigation of the resulting density increases. As stated in Response 19-3, the project has been revised to remove the Highway 79 Policy Area. Removal of the Highway 79 Policy Area would allow for full development of residential uses throughout the Highway 79 Policy Area, increasing residential development capacity within by nine percent. However, no General Plan Land Use Designation changes are proposed and the amendment is limited to removing the development restriction on residential uses. It is important to note that feasible future development under the project is assumed to occur through 2040; thus, any increase in demand for infrastructure would occur incrementally. Further, future development facilitated by the project would not conflict with an adopted program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; refer to Draft EIR Section 4.17, *Transportation*. No additional analysis or mitigation is necessary nor required in this regard.
- 21-7 Concerning the General Plan Land Use Changes discussion in Section 4.11, *Land Use and Planning*, the commentor cites concerns with the proposed Land Use Element amendments, specifically that the General Plan Land Use Designation changes will increase residential densities for several hundred acres throughout the project area further increasing the total projected number of units and population by 21 percent for the project area. The commentor includes a copy of Draft EIR Exhibit 3-11, *Proposed Winchester Policy Area Land Use Designation Changes*, and expresses concern that the exhibit shows where General Plan Land Use Designation changes would occur and what the proposed future General Plan Land Use Designations for these areas will be, but fails to show how each area is specifically changing in terms of existing and proposed General Plan Land Use Designations for each area. The General Plan Land Use Designation changes have been adequately described and



3.0 Responses to Draft EIR Comments

analyzed in the Draft EIR pursuant to State CEQA Guidelines Section 15168, *Program EIR*; refer to Response 21-3.

21-8 This comment introduces the remaining paragraphs of the comment letter which include additional comments (see Responses 21-9 to 21-18 below), which are specific to the analysis and mitigation of the Draft EIR by impact area. See responses below.

21-9 Concerning significant and unavoidable effects discussed in Draft EIR Section 6.0, *Other CEQA Considerations*, the commentor states that the Draft EIR describes significant and unavoidable impacts that would result from the project (Agricultural, Air Quality, Greenhouse Gas, Land Use and Planning, Noise and Vibration, and Transportation) and that impacts should only be significant and unavoidable after exhausting all feasible mitigation. However, there are no mitigation measures for certain “Significant and Unavoidable” impact areas, including: AG-1, Conversion of Important Farmland; AG-2, Williamson Act Contract; AQ-1, Short-Term (Construction) Air Emissions; and LU-2, Land Use Plans.

As described in Draft EIR Section 4.2, while the project could result in the conversion of farmland to non-agricultural uses, it should be noted that the farmlands proposed to be redesignated are being changed from the Rural Community to Community Development land use. While future development has the potential to convert farmland to a non-agricultural use, the existing Rural Community land use imposed in the Winchester PA already limits agricultural uses to non-industrial, which permits less intensive agricultural uses than those allowed under the Agricultural General Plan Land Use. Therefore, the assumed conversion of approximately 814 acres of Important Farmland, is conservative.

Further, all future development within the project area would be subject to compliance with the existing regulatory framework, which includes provisions intended to preserve Important Farmlands. Implementing projects would also be required to comply with Riverside County Ordinance No. 625, Right-to-Farm Ordinance, the intent of which is to reduce the loss of agricultural resources by limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance. The ordinance protects existing agricultural uses from nuisance complaints often generated by encroaching nonagricultural uses and reduces legal nuisance liabilities by requiring new properties within 300 feet of any land zoned primarily for agricultural. Despite the conservative analysis and existing regulatory protections in place to protect agricultural uses, impacts are identified as significant and unavoidable.

Similarly, Within the Winchester PA, there are approximately 10,451 acres of agriculturally zoned lands, approximately 6,538 acres of land were utilized as farmland in 2019, and approximately 5,282 acres of County of Riverside Agricultural Preserve (pursuant to the Williamson Act and County Resolution No. 84-526). As noted previously, the project proposes to redesignate land uses throughout the Winchester PA that could currently support agricultural uses. Where the amendment involves redesignation from a land use that permits agricultural uses to a land use that prohibits agricultural uses (totaling a net loss of approximately 882 acres), project implementation could conflict with existing agricultural zoning, agricultural use, or land within a Riverside County Agricultural Preserve.



All future development within the project area would be required to comply with existing regulations intended to avoid/minimize potential conflicts concerning agriculturally designated and zoned lands; refer to Draft EIR Section 4.2.2, *Regulatory Setting*. However, these regulations would not prevent the conversion of lands currently in an agricultural use to non-agricultural use.

General Plan EIR No. 521 currently includes a mitigation measure requiring that a mitigation bank be established to offset impacts to agricultural lands. However, conservation easements are not considered to reduce impacts to agricultural resources to less than significant, per *King and Gardiner Farms, LLC v. County of Kern et al. (2020) 45 Cal.App.5th 814*, which found that:

“Entering into a binding agricultural conservation easement does not create new agricultural land to replace the agricultural land being converted to other uses. Instead, an agricultural conservation easement merely prevents the future conversion of the agricultural land subject to the easement. Because the easement does not offset the loss of agricultural land (in whole or in part), the easement does not reduce a project’s impact on agricultural land. The absence of any offset means a project’s significant impact on agricultural land would remain significant after the implementation of the agricultural conservation easement.”¹

In the recent *V Lions Farming, LLC v. County of Kern (2024) 100 Cal.App.5th 412* – agricultural conservation easements were found to qualify as “compensatory mitigation, even though they do not replace or otherwise offset the acres of agricultural land converted by the project—that is, they do not ensure the project results in no net loss of agricultural land.” *Id* at p. 418.

Therefore, conservation easements would not reduce impacts to less than significant based on recent caselaw, and no additional project-specific mitigation measures have been identified. Therefore, a significant unavoidable impact would occur.

Concerning the project’s significant and unavoidable impacts identified for Draft EIR Impact AQ-1, Short-Term (Construction) Air Emissions, the combined emissions from the project’s buildout would exceed SCAQMD project-level construction and operational thresholds (refer to discussion under Draft EIR Impact Statement AQ-2) and implementation of all SCAQMD rules, regulations, and control measures may not be feasible for future developments. Nonetheless, several mitigation measures are proposed to reduce construction related air quality impacts associated with future development proposals. Mitigation Measure AQ-1 would require preparation of an air quality analyses in accordance with SCAQMD guidance for all projects subject to CEQA review (meaning, non-exempt). Projects estimated to exceed SCAQMD significance thresholds would be required to implement mitigation measures in order to reduce air pollutant emissions to the greatest extent possible per General Plan Policy AQ 4.7. Mitigation Measures AQ-2 through AQ-6 would reduce fugitive dust emissions

¹ *King & Gardiner Farms, LLC v. Cnty. of Kern, 45 Cal.App.5th 814, 875 (Cal. Ct. App. 2020)*



generated at future construction sites by requiring dust abatement measures. State Vehicle Code Section 23114 requires all trucks hauling excavated or graded material to the prevention of such material spilling onto public streets. Additionally, all building demolition activities would be required to adhere to SCAQMD Rule 1403 (Asbestos Emissions From Demolition/Renovation Activities). However, due to the unknown nature of future construction activities associated with the future development facilitated by the project, the potential exists for SCAQMD thresholds to be exceeded. Therefore, the project's construction-related air quality impacts would be considered significant and unavoidable due to the potential magnitude of construction that could occur from project implementation.

The project impacts related to land use and planning are related to the project's significant and unavoidable air quality and greenhouse gas emissions impacts. As detailed in Draft EIR Table 4.11-2, the proposed project would be consistent with most relevant and applicable policies of the 2020-2045 RTP/SCS. However, the project would be inconsistent with Goal 5 of the 2020-2045 RTP/SCS based on its potential to result in significant and unavoidable impact related to air quality and GHG emissions, despite implementation of the mitigation measures detailed above.

Buildout accommodated by the project is speculative in nature, and accordingly, analysis of the above-referenced resources will be more appropriately and accurately addressed on a project-by-project basis. This allows for a more up-to-date and accurate data for developers and policymakers to use during the individual project development process. As such, an analysis of agricultural, air quality, and land use impacts is provided in an appropriate level of detail for a programmatic level analysis. A more detailed analysis is not provided in the Draft EIR to avoid speculation, which can be misleading. Instead, impacts in this regard are potentially significant and future development projects that require environmental review would conduct site-specific environmental impact analyses based on individual parameters of the site. Further, the Draft EIR does not identify specific land use development projects and does not permit subsequent development. Therefore, the nature of the Draft EIR mitigation measures are programmatic in accordance with State CEQA Guidelines Section 15168, *Program EIR*. Thus, the County of Riverside affirms the Draft EIR includes an adequate environmental analysis to support its significance determinations and to allow for informed decision making under CEQA.

- 21-10 Concerning land use and planning, the commentor states it is not clear from the General Plan what the maximum intensity and density is for the MUA Designation, as it appears that none exists for that General Plan Land Use Designation. Therefore, it is unknown how the intensity of the MUA Designation differs from the CR Land Use. The intent of the MU Zone is to implement the mixed-use area (MUA) Land Use Designation of the General Plan, which assists the county in accommodating its share of the regional housing needs assessment (RHNA) allocation pursuant to the Riverside County Housing Element. The MU Zone applies to land designated as MUA in the General Plan and may apply to land within an approved specific plan; refer to Riverside County Ordinance No. 348 for additional details regarding the differences between areas zoned Mixed Use and Commercial.



21-11 The commentator opines that in Draft EIR Section 4.11, *Land Use and Planning* (page 4.11-10) defers evaluation of when a project will divide an existing community to the future CEQA review for that project. Refer to Response 21-9.

21-12 The commentator expresses concern with the amount of traffic the project might generate on corridors which run through City boundaries and further states that the Draft EIR needs to address and require conditions of approval on future projects as necessary, for review and approval of improvements that may impact adjacent jurisdiction roadways, by the affected local agency/jurisdiction, including payment of administrative fees and that such development/improvements will otherwise be subject to the local land use and planning authority. As discussed in the Regulatory Setting subsection of Draft EIR Section 4.17, *Transportation*, future implementing projects must comply with County of Riverside General Plan policies that address both conditions of approval (Policy C 2.4) and the payment of fees (Policy C 2.5) to mitigate transportation impacts. Also refer to Response 4-2.

In addition, the County of Riverside Board of Supervisors and cities within western Riverside County have enacted the Transportation Uniform Mitigation Fee (TUMF) to fund the mitigation of cumulative regional transportation impacts resulting from future development. The mitigation fees collected through the TUMF program are utilized to complete transportation system capital improvements necessary to meet the increased travel demand and to sustain current traffic levels of service. The TUMF program was developed with the specific intent to mitigate regional traffic impacts such as those expressed by the City.

It should be noted that, in September 2013, the Governor's Office of Planning and Research (OPR) signed Senate Bill (SB) 743 into law, starting a process that fundamentally changes the way transportation impact analysis is conducted under CEQA. SB 743 identifies vehicle miles traveled (VMT) as the most appropriate CEQA transportation metric and eliminates auto delay, level of service (LOS), and similar measurements of vehicular roadway capacity and traffic congestion as the basis for determining significant impacts. In December 2018, the California Natural Resources Agency certified and adopted the CEQA statute (14 California Code of Regulations Section 15064.3). Per the CEQA statute, the VMT guidelines became effective statewide beginning July 1, 2020. For this reason, the Draft EIR does not include an analysis on LOS-based transportation impacts.

21-13 Concerning State Route 74, Briggs Road, and trails within Menifee south of Scott Road, north of Keller Road, between Lindenberger and Leon Roads, the commentator states that most of these roadways cross the City of Menifee Boundary and that the Draft EIR should consider the consistency of these classifications across the boundaries of the County and the City of Menifee. Refer to Responses 21-6 and 21-9.

21-14 The commentator requests that all future development proposals include a traffic LOS study be performed to include City of Menifee General Plan Circulation Element roadways and



intersections where 50 or more peak hour trips are projected to be generated from the project consistent with the City's General Plan Policy. Refer to Response 21-12.

21-15 The commentor states that, since the VMT Mitigation Fee will be limited to a transit station or park and ride facility in the downtown core, this will provide no mitigation or funding for impacted streets outside of the County's planning area. Beyond the VMT mitigation fee, the commentor requests to know what other fees or funding will be available for impacted streets outside the County's planning area. Refer to Response 4-2.

21-16 This comment provides concluding remarks and contact info for questions or further discussion. This comment is acknowledged and does not raise any additional environmental issues. No further response is necessary.



City of Temecula

City Manager' Office

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September 23, 2022

Ms. Kecia Harper
Riverside County Clerk of the Board
4080 Lemon Street, 12th Floor, Suite 127
Riverside, CA 92502-1629

Subject Winchester Community Plan Draft Programmatic Environmental Impact Report
Comment Letter

Dear Ms. Harper:

On behalf of the City of Temecula (City), we submit the following comments on the County of Riverside's Winchester Community Plan Draft Program EIR (PEIR), dated July 2022. The comments are based on the PEIR, the California Environmental Quality Act (CEQA) (Public Resources Code sections 21000-21189), the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000 – 15387), and recent CEQA court decisions.

22-1 As outlined in detail below, the City has significant concerns regarding the County's lack of outreach to the City – including as required by law – related to the CEQA process, as well as concerns with the PEIR and its failure as an informational document.

The City is equally concerned with the County's attempt to unilaterally terminate the 2005 "Cooperative Agreement Between the City of Temecula and the County of Riverside to Mitigate Traffic Impacts in Western Riverside County" (Cooperative Agreement) by virtue of proposals in the Winchester Community Plan and PEIR. Specifically, the Cooperative Agreement calls for the County to mitigate the impact of new housing development on City and County arterial roads and highways within the I-215 Policy Area; the proposed General Plan Amendment amends the boundary and therefore purports to change and invalidate the Cooperative Agreement.¹

¹The City separately is requesting a full accounting and status of units and density by acreage in the I-215 Policy Area. The City is also requesting a status on the completion and funding of all infrastructure as identified in Exhibit C of the Cooperative Agreement.

For all of the reasons set forth below, the City strongly urges the County to cease further work on this project until such time as the County can consult with the City on the Cooperative Agreement, and until proper environmental review is conducted.

FAILURE OF THE COUNTY TO FULFILL ITS TRAFFIC ANALYSIS AND TRAFFIC MITIGATION OBLIGATIONS UNDER THE COOPERATIVE AGREEMENT WITH THE CITY OF TEMECULA

On April 12, 2005 the City and County entered into the Cooperative Agreement that imposes upon the County very specific and profound obligations for the mitigation of traffic impacts in the Western Riverside County.

22-2 In developing the Winchester Community Plan and the Draft PEIR the County has completely ignored its obligations under the Cooperative Agreement that will directly result in adverse traffic impacts upon the City, the Winchester Community Plan Area and the cities surrounding the Winchester Community Plan Area. There is no plan to finance the remaining Major Arterial Roads described in the Cooperative Agreement that are needed to mitigate the traffic impacts of residential units in the area under the existing General Plan. The County has not conducted a Freeway Study nor come up with a traffic mitigation plan for the additional 33,000 residential units in the new Winchester Community Plan in violation of the Cooperative Agreement.

Amendment No. 1 to the Cooperative Agreement was approved on January 30, 2007. Copies of the Cooperative Agreement and Amendment No. 1 are attached as Exhibits A and B.

The County Failed to Fulfill its Obligation Under the Cooperative Agreement to Work Cooperatively with the City to Improve the Highway Infrastructure and Traffic Impacts of Existing and Future Development in Western Riverside County

On November 5, 2003, the City filed a Petition for Writ of Mandate in Riverside Superior Court challenging the legality and validity of the County's General Plan and the DEIR. The action is entitled "*City of Temecula v. County of Riverside; Board of Supervisors of the County of Riverside*," Riverside County Superior Court Case No. RIC 402766 ("Litigation").

22-3 Sections 1.6 and 1.7 of the Cooperative Agreement express in clear and unequivocal terms the obligations of the County and the City to cooperate in the development of infrastructure in Western Riverside County:

"1.6 Despite their differences in the Litigation, the City and County desire to cooperatively work together in an effort to improve the highway infrastructure in Western Riverside County for the benefit of all current and future residents of the County. The City and County acknowledge that providing adequate traffic infrastructure for Western Riverside County involves complex engineering, environmental and financial challenges requiring the full cooperation of all federal, state and local governmental agencies, but will provide substantial public benefits for the City, County and the people living and working in the City and the County."

"1.7 This Agreement sets forth the framework for a major cooperative effort by the City and the County to provide the traffic infrastructure required for new housing development in Western Riverside County before the creation of actual traffic impacts."

Despite its legal commitment to cooperate with the City in the development of traffic infrastructure in Western Riverside County, the County has completely ignored the cities in Western Riverside County in its development of the Winchester Community Plan or the traffic infrastructure necessary to support the Winchester Community Plan.

The County has failed to consult and cooperate with the City in developing the Winchester Community Plan as required by Section 15086 of the CEQA Guidelines and Section 2.3.6 of the Cooperative Agreement. The County failed to provide even the most minimal notice of its proposal in violation Section 15086 of the CEQA Guidelines and Section 2.3.6 of the Cooperative Agreement.

Despite three years of work on the Winchester Community Plan, the County never solicited input or comments from the City on traffic impact or invited the City to participate in the development of the Winchester Community Plan. Section 1.7 of the Cooperative Agreement clearly requires the provision of traffic infrastructure before the traffic impacts are created. This has not been done. The County is now required to start the process over and provide meaningful opportunities in good faith for the City and the other cities to comment on the Winchester Community Plan and develop traffic mitigation for the Winchester Community Plan's proposed 33,000 additional residential units.

The Cooperative Agreement Provides that the County May Not Issue Building Permits Under the Proposed Winchester Community Plan Until Such Time as it has Identified Road and Freeway Improvements to Mitigate the Traffic Impacts Resulting from the Additional 36,000 Residential Units Within the Winchester Community Plan

Sections 2.1, 2.2 and 2.3.3 of the Cooperative Agreement require the County to amend its General Plan to condition all Land Use Applications, including General Plan Amendments, to prohibit the issuance of building permits until such time as there is in place an appropriately formed and fully funded financing mechanism to build the Major Arterial Roads :

“2.1 The County shall use its best efforts to amend the General Plan so that it contains: (1) a policy indicating that the Major Arterial Roads within the 1-215 Policy Area shall be constructed and completed concurrently with the construction of the dwelling units creating the demand for the Major Arterial Roads; and (2) a requirement that all land use applications approved by the County within the 1-215 Policy Area (“County Land Use Applications”) shall contain a condition, in addition to all other appropriate conditions, that building permits shall not be issued until (a) the subject property is part of an appropriately formed and fully funded financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project or (b) the subject property is part of an appropriately formed financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project and the property owner pays its full proportionate share of the required improvements to the County in trust for the construction of the Major Arterial Roads which will mitigate the traffic impacts of the project or (c) the County otherwise funds or constructs

the required improvements using money from other sources. The General Plan Amendments described in this section shall be known as the “County General Plan Amendment.””

“2.2 All County Land Use Applications approved by the County after the effective date of this Agreement shall contain a condition of approval requiring that building permits shall not be issued until (a) the subject property is part of an appropriately formed and fully funded financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project or (b) the subject property is part of an appropriately formed financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project and the property owner pays his/her/its full proportionate share of the required improvements to the County in trust for the construction of the Major Arterial Roads which will mitigate the traffic impacts of the project or (c) the County otherwise funds or constructs the required improvements using money from other sources.

“2.3.3 As used in this Agreement, County Land Use Applications shall mean any applications on which the County Planning Commission has not taken final action as of the effective date of this Agreement, the approval of which would authorize, or conditionally authorize, the construction of dwelling units within the 1-215 Policy Area, including, but not limited to, applications for General Plan amendments, specific plans, specific plan amendments, zone changes, development agreements, subdivision maps and planned development permits. County Land Use Applications shall not include any applications for parcel maps that would result in the creation of four or fewer parcels, provided that the parcels created could not be further subdivided without a General Plan amendment. County Land Use Applications shall also not include any applications for minor changes to approved tentative tract maps that would add only one residential unit to the maps.”

The County does not have a fully funded financing mechanism to fund the construction of Major Arterial Roads within the 1-215 Policy Area. In developing the Winchester Community Plan and the Draft PEIR, the County has completely ignored its obligations under the Cooperative Agreement that will directly result in adverse traffic impacts upon the City, the Winchester Community Plan Area and the cities surrounding the Winchester Community Plan Area as the County has not planned for, or financed, the Major Arterial Roads that will need to be constructed and/or widened to move the significant number of new residents that are expected to live in the Winchester Community Plan Area in and out of the Winchester Community Plan Area.

The County Failed to Initiate and Fulfill its Obligation to Develop the Freeway Strategic Study and Action Plan

22-5

The County has failed to fulfill its obligation under the Cooperative Agreement to cooperate with the City, other Western Riverside County Cities and private and public stakeholders to request the preparation of a Freeway Strategic Study and develop a Freeway Action Plan. Sections 4.1 to 4.4 of the Cooperative Agreement provide:

“4.1 The City and the County shall jointly request that the Riverside County Transportation Commission (“RCTC”) prepare a Freeway Strategic Study for the Western Riverside County Area which shall examine the freeway capacity, set specific goals for the development of the freeway capacity necessary to accommodate the trips generated by new housing development and establish the framework for the joint efforts of the City, County and other federal, state and local agencies to implement the goals and establish the necessary freeway capacity. The Joint Request for the Freeway Strategic Study shall ask that the Freeway Strategic Study be completed within four (4) months of the date of submittal of the Joint Request. The Joint Request shall be submitted to RCTC within thirty (30) days of the effective date of this Agreement. The parties authorize the Mayor of the City and the Chairperson of the Board of Supervisors to execute the Joint Request on behalf of their respective agencies.”

“4.2 The Freeway Strategic Study shall specifically study and analyze the following issues: (1) the current capacities of the freeways within Western Riverside County Area (“Freeways”); (2) the projected traffic growth projections for the Freeways as of January 1 in the years 2010, 2015, 2020, 2025 and 2030, based upon assumptions concerning the build-out of new housing as described in Exhibit E; (3) the percentage of traffic growth for the Freeways in those years attributable to new housing development in the Western Riverside County Area; (4) the currently proposed improvements for the Freeways; (5) the current funding options for the currently proposed improvements for the Freeways; and (6) the potential funding sources for improvements necessary to meet the projected traffic growth for the Freeways at build-out of the Western Riverside County Area.”

“4.3 The City and the County shall share equally in the costs incurred by RCTC in preparing the Freeway Strategic Study.

4.3.1 The County shall invoice the City for the City’s share of the RCTC costs and the City shall pay such invoice within thirty (30) days of the date the invoice is deemed given under Section 6.7 of this Agreement.

4.3.2 During the course of RCTC's work on the Freeway Strategic Study, the City, the County and RCTC staff shall meet monthly to discuss the progress of the work and to review any additional work which may need to be undertaken by the consultant.”

“4.4 Following completion of the Freeway Strategic Study, the City and County shall meet and negotiate in good faith to develop a Freeway Action Plan for funding the freeway improvements necessary to meet the expected demand as determined by the Freeway Strategic Study. As part of the development of the Freeway Action Plan, the City and the County shall also form a Freeway Task Force composed of private and public stakeholders to build consensus and secure participation of other Western Riverside County Area Cities in the Freeway Action Plan. The Freeway Task Force shall specifically include, but shall not be limited to, a representative from each of the following: the City and the County, RCTC, the Western Riverside Council of Governments (“WRCOG”), the development community and the environmental community.”

In these sections, the County committed itself, with the assistance of the City, to initiate a Freeway Strategic Study to evaluate expected freeway traffic demands through 2030. Significantly, in Section 4.4 the County agreed to:

“ . . . meet and negotiate in good faith to develop a Freeway Action Plan for funding the freeway improvements necessary to meet the expected demand as determined by the Freeway Strategic Study. As part of the development of the Freeway Action Plan, the City and the County shall also form a Freeway Task Force composed of private and public stakeholders to build consensus and secure participation of other Western Riverside County Area Cities in the Freeway Action Plan.”

Once again, the County has failed to fulfill its obligation under the Cooperative Agreement to cooperate with the City, other Western Riverside County Cities and private and public stakeholders for the Freeway Strategic Study and the development of the Freeway Action Plan. Despite having over seventeen years to undertake the Freeway Strategic Study and the Freeway Action Plan, the County failed to undertake any study, let alone cooperate with Temecula and the other cities.

Moreover, the County did not even undertake a study to determine the traffic impacts upon the freeways in Western Riverside County resulting from the Winchester Community Plan’s addition of 33,000 residential units. The DEIR simply does not analyze the significant and severe traffic impacts resulting from the addition of 33,000 new residential units in the Winchester Community Plan Area upon the roads and freeways in Western Riverside County.

The County’s failure to fulfill these obligations will directly result in adverse traffic impacts upon the City, the Winchester Community Plan Area and the cities surrounding the Winchester Community Plan Area.

CEQA Noticing Failure

22-6

- The City of Temecula has only recently been made aware of the Draft PEIR for the Winchester Community Plan, and has not received any of the required CEQA notices (such as Notice of Preparation (NOP) or Notice of Availability (NOA)/Notice of Completion (NOC)), nor any notices for the scoping meetings. Section 15086(c) of the CEQA Guidelines requires that the lead agency consult with local municipalities adjacent to the proposed project area. The Draft PEIR acknowledges the fact that the City is immediately adjacent to the southern boundary of the proposed community plan. Yet, there is no evidence that the County even attempted to comply in any respect with its obligations to include the City in this process.

Executive Summary/Introduction

Project Objectives

22-7

- Page 1-3: The PEIR lists a variety of project objectives for the Winchester Community Plan. Most of the objectives are noble, but lack enough specificity to allow the reader to

understand what the actual objectives entail. Much more specificity is needed. The project objectives are repeated again in Section 3.0.

- Page 1-3: The project objectives do not explain why the Winchester Community Plan is being proposed now when there are several existing area plans and specialized policy area overlays covering the entire proposed plan area that would achieve the same planning outcome. There is no mention in the PEIR objectives of consolidating aging planning documents into a comprehensive and cohesive community plan, which should be the primary objective of the Community Plan. Please add a description of this objective.
- Page 1-3: Several of the project objectives are irrelevant, and do not relate to the creation of a Riverside County Area or Community Plan. This is particularly true given that there is no land use plan provided against which the objectives can be reviewed. For example, it is unclear, and there is no explanation, as to how the objective of “providing better access to fresh healthy foods” relates to the formulation of community plan policies and land use designations. Please clarify.

Project Description

- Page 1-3: The project description includes a discussion of existing land uses and land use designations within the proposed Winchester Community Plan, but it does not include any mention of the actual proposed Winchester Community Plan policies, or include the proposed land use and circulation plan. This is the most basic project information that must be included as part of the project description for any meaningful environmental analysis to occur. In the absence of this critical information, there is no way to conduct the required environmental analysis. Please revise the project description and associated environmental analysis to include this critical base information.

Project Alternatives

- Page 1-3: The PEIR proposes four alternatives to the proposed project. CEQA requires a reasonable range of alternatives that meet most of the basic project objectives be proposed to reduce or eliminate identified environmental impacts. No explanation is provided for how the number of residents, dwelling units and non-residential square footages are calculated for each alternative. It is difficult to understand how each alternative’s anticipated number of residents, dwelling units and non-residential square footages were determined since the Winchester Community Plan project description itself does not contain a proposed land use plan or a proposed land use summary table. As a result, it is impossible to determine if an alternative would reduce environmental impacts as compared to the proposed project and/or the other alternatives.

Project Description

- Page 3-1: CEQA Guidelines Section 15124 requires a stable, clear, and concise project description, upon which the environmental impact analysis, required mitigation measures, and project alternatives are based. The project description is neither stable, clear, nor concise, and as a result needs to be revised to accurately reflect the proposed project. There is no way to determine the actual proposed land use distribution based upon the confusing information provided in the PEIR.
- Page 3-1: The Riverside County General Plan is apportioned into land use Foundation designations and individual Area Plans. It is unclear why the proposed plan is referred to as a “Community Plan” instead of matching the exiting county Area Plan nomenclature. Please explain.
- The project description is unclear. There are numerous existing planning documents that are located within the proposed Community Plan area. These include:
 - Southwest Area Plan
 - Harvest Valley/Winchester Area Plan
 - Highway 79 Policy Area
 - Interstate 15 Policy Area
 - Interstate 215 Policy Area
 - Winchester Policy Area
 - Winchester Land Use Study
 - Winchester Policy Area Design Guidelines
 - Riverside County Housing Element (2021-2029)
 - Caltrans Record of Decision – Highway 79 Realignment EIS
 - Cooperative Agreement and Settlement Agreement between the County of Riverside and the City of Temecula

The PEIR makes no effort to synthesize the relationships and overlapping planning policies between the above documents that all apparently factor into the development of the proposed Winchester Community Plan. The project description needs to be rewritten to clarify how the above documents relate to the proposed Community Plan. There appears to be substantial confusion between the Winchester Policy Area and the Winchester Community Plan, which is the actual proposed project.

- Page 3-1: The project description includes a discussion of existing land uses and land use designations within the proposed Winchester Community Plan, but it does not include any mention of the actual proposed Winchester Community Plan policies, or include the proposed land use and circulation plan. This is the most basic project information that must be included as part of the project description for any meaningful environmental analysis to occur. In the absence of this critical information, there is no way to conduct the required environmental analysis. Please revise the project description and associated environmental analysis to include this critical base information.

- Page 3-2: The PEIR uses both “project site”, “project area” and “PA” to describe the area within the boundary of the proposed Winchester Community Plan, which creates confusion. There are several figures with differing planning area boundaries, which need to be consolidated into one understandable proposed land use plan .
- Page 3-2: The PEIR indicates that “most of the Winchester PA” is comprised of agricultural and undeveloped lands, without defining the actual acreage or what is meant by “most”. Please clarify.
- Page 3-4: The project characteristics section indicates that the existing Winchester Policy Area will be expanded from 287 acres to 23,153 acres within the Harvest Valley/Winchester Area Plan, without any reasoning provided for why this massive change is proposed. To implement this change, the boundaries and land uses of the surrounding Area Plans (Sun City/Menifee and Southwest Area Plan) are proposed to be modified, although acreage statistics and graphic depictions of these changes are not provided. The project description does not document the requirements or schedule for amending the surrounding Area Plans required to create the proposed Winchester Community Plan. Please include this information.
- Page 3-4: The PEIR describes 227 parcels (1,480 acres) that are proposed for General Plan Foundation Component amendments from Rural and Rural Community to Community Development without any explanation of why the change is proposed that will result in additional development intensity. The section goes on to state that 921 parcels will require future zone changes as a result of the foundation component changes, and that these future unknown zone changes are somehow evaluated in the PEIR. This analysis is not actually included in the PEIR, nor is there any commitment for future environmental review as would be required if the environmental review is not occurring at this time.
- Page 3-4, #4: The PEIR now inserts a new Area plan (San Jacinto Valley Area Plan) and the Highway 79 Policy Area into the mix, but these were not previously mentioned as requiring amendment to accommodate the proposed Winchester Community Plan. The PEIR goes on to state that the revisions to the Highway 79 Policy Area include removing the “9% density reduction for residential projects”, without any context for why that is proposed or justified, and what that means in terms of the proposed Winchester Community Plan land use plan. Please explain where this 9% reduction came from and why is it required to accommodate the proposed Winchester Area Plan.

In addition, the 9% residential intensity reduction is part of the Cooperative Agreement, which was a settlement agreement between the City and the County to mitigate environmental impacts associated with future residential development within the Highway 79 Policy Area, and it cannot be unilaterally removed from the Highway 79 Policy Area. The County is in violation of the Cooperative Agreement by proposing to remove the 9% residential intensity reduction from the Policy Area document.

The PEIR claims that the removal of the 9% reduction requirement from the Highway 79 Policy Area will be replaced by a new “fee” on newly entitled dwelling units to mitigate Vehicle Miles Traveled (VMT) impacts and fund mobility improvements within the downtown Winchester core area. A proposed fee for improvements within the downtown Winchester area has nothing to do with the basis of the Cooperative Agreement, and was not what either the County or the City agreed to in order to mitigate impacts to the City. The entire discussion regarding the 9% reduction in residential density in the Highway 79 Policy Area needs to be removed from the PEIR and must be factored into the ultimate Winchester Area Plan land use plan densities and unit totals. Without the consideration of the 9% reduction in the formulation of the Winchester Community Plan land use plan, the entire land use plan must be revised. The PEIR goes on to state that the Highway 79 Policy Area is 50,061 acres, without any explanation of how that acreage relates to the other Area Plan and Policy acreages, or its relevance.

- Page 3-5: The PEIR now introduces several new components of General Plan Amendment (GPA) No. 1207, including design guidelines, an amended General Plan Circulation Element, and “administrative and implementation programs” without defining what those programs are or how they fit in with the proposed Winchester Community Plan. Please revise and clarify.
- The County proposes to expand the existing Winchester Policy Area to include 23,143 acres. Page 3-4 indicates that the Policy Area is 23,153 acres. Please provide the correct acreage and make consistent throughout the PEIR. In addition, please confirm which number was used throughout the PEIR’s analysis.
- Page 3-6: The PEIR attempts to explain the required acreage and land use changes to the individual surrounding Area Plans required to create the new Winchester Community Plan, and this information is purportedly summarized in Tables 3-1 and 3-2, and shown in Exhibits 3-1 through 3-11. Table 3-1 lists the General Plan Foundation changes without any reference to where the changes are located or with which of the four Area Plans the acreages are being exchanged. As a result, it is impossible to understand the location of the proposed land use changes. Table 3-2 summarizes the land use acreage changes to the Winchester Policy Area and the Highway 79 Policy area, and totals both, but does not quantify any of the underlying Area Plan land use acreage changes. As a result, it is again impossible to tell what the ultimate proposed Winchester Area Plan land use acreages, density or units (increases or decreases) are and how they will be used to determine environmental impacts and required mitigation measures.
- Page 3-8: The description of the General Plan Circulation Element amendment is lacking a description of what is being proposed, and also contains incorrect information. Revising the Highway 79 Policy Area language (which is incorrect) does not in and of itself result in an amendment to the Circulation Element. The Circulation Element amendment should describe the proposed changes to the existing circulation system and policies as a result of

the proposed Winchester Community Plan, including (for example) the realignment of Highway 79, as approved by Caltrans. The PEIR text states that the 9% residential density reduction requirement contained within the Highway 79 Policy area would be amended to allow for full development within the policy area and the proposed Winchester Community Plan. This statement is incorrect and the 9% reduction in residential density has no relationship to the realignment of Highway 79. The residential reduction included in the Highway 79 policy area was required to ensure that a variety of transportation and circulation facilities were constructed in a timely manner to accommodate the growth associated within the policy area. These facilities have not been constructed to date.

- Page 3-8: The text goes on to state that “No land use designation changes are proposed and the amendment is limited to removing the development restrictions on residential uses.” This is false. There are numerous General Plan Foundation and Area Plan land use changes proposed as part of the Winchester Community Plan, and removal of the 9% reduction in residential development intensity is not applicable to the Circulation Element amendment, as it is part of the Cooperation Agreement.
- Page 3-10: The PEIR lists a variety of project objectives for the Winchester Community Plan, but fails to explain why the Winchester Community Plan is being proposed now. Most of the objectives are noble, but lack enough specificity to allow the reader to understand what the actual objectives entail. Much more specificity is needed. Please revise.
- The objective to promote higher density housing to achieve the County’s 6th Cycle Regional Housing Needs Assessment (RHNA) goal and to eliminate the 9% residential unit intensity reduction is in direct opposition to the Cooperative Agreement which mandates a 9% reduction in residential densities.
- Page 3-11: The Discretionary Approvals section includes the adoption of GPA No. 1207, but fails to mention the Circulation Element amendment. Please include and explain what the required Circulation Element amendment includes.
- Exhibit 3-1 and 3-2: Why does the proposed Community Plan boundary cut through Lake Skinner?
- Exhibit 3-3: The graphic line work/legend is difficult to understand and it is impossible to tell which boundary line applies to which Area Plan or Policy Area. There is nothing in the legend to explain what the red numbers signify. Please revise.
- Exhibit 3-1 through 3-11: None of the figures show the proposed Winchester Community Plan land use plan. The proposed Community Plan land uses are the most basic component of the Community Plan and PEIR project description and they are missing from the PEIR project description.

- The PEIR references a Vehicle Miles Traveled (VMT) Nexus Study and fee. It is unclear if the 33,000 + residential units are included in the RIVTAM model. The Nexus Study includes \$11 million for a transit center and Park & Ride facility with no analysis of the mandated reduced VMT or trips. The VMT Nexus Study should be included in the PEIR Appendix and revised to reflect the actual number of units proposed in the Community Plan.

PEIR Section 4.0 Topical Environmental Issue Areas

22-9

- The PEIR includes an evaluation of 20 topical environmental issue areas including: Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise and Vibration, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems and Wildfire. Detailed comments are provided below.
- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in Section 4.0 of the PEIR is flawed due to the inadequacy of the project description.
- Much of the analysis in PEIR Section 4.0 avoids the evaluation of all feasible mitigation measures and jumps to the conclusion that the impacts are either less than significant without mitigation or are significant and unavoidable without the application of feasible mitigation measures. CEQA Guidelines Section 15041(a) requires that a lead agency for a project require feasible changes in the project, or impose feasible mitigation, to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements such as the “nexus” and “rough proportionality” standards established by case law. The PEIR has not done this.

Aesthetics

22-10

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in the aesthetics section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of aesthetic impacts cannot be completed without an accurate project description. Please revise the project description.

Air Quality

22-11

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon

an adequate project description. As a result, the analysis contained in air quality section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of air quality impacts cannot be completed without an accurate project description. Please revise the project description.

- **Impact Statement AQ-1: The Project Would Conflict With or Obstruct Implementation of the Applicable Air Quality Plan (PEIR pp. 4.3-22 to 4.3-24)**

The PEIR analysis of consistency with the 2016 AQMP is inadequate, and should be revised in the following ways:

- (1) To determine whether proposed project construction would result in increases in the frequency or severity of existing air quality violations or new violations or delays in timely attainment of air quality standards, the County should perform modeling of daily construction emissions based on buildout of the proposed project's development potential and compare those emissions to SCAQMD's construction thresholds (presented in PEIR Table 4.3-4).
- (2) Similarly, the determination of whether proposed project operations would result in increases in the frequency or severity of existing air quality violations or new violations or delays in timely attainment of air quality standards should be based on modeled operational emissions presented under Impact Statement AQ-2 (PEIR Table 4.3-6) compared to SCAQMD operational thresholds.
- (3) The County's contradictory statements that the proposed project would exceed the SCAG population projections used in the 2016 AQMP by 35,139 persons, and yet would be "within SCAG's forecasted population for the County" need to be clarified and corrected. The County's assertion later in this section that the increase in population and housing growth "is not considered substantial in the context of the County overall" (p. 4.3-24) needs to be supported with substantial evidence, and connected to the consistency criterion of the SCAQMD's CEQA Handbook to analyze "(w)hether a project will exceed the assumptions in the AQMP."
- (4) Several assertions need to be revised to be supported with substantial evidence, including claims of proposed project consistency with RTP/SCS goals to reduce VMT and air pollution, and that "implementation of all SCAQMD rules, regulations, and control measures may not be feasible for future developments." (PEIR p. 4.3-24) Which rules, regulations, and control measures may not be feasible, and why?
- (5) CEQA requires that all feasible mitigation measures be identified for significant environmental impacts. The PEIR's conclusion that "(n)o mitigation measures are required" for this "significant and unavoidable" impact violates CEQA because the

County has not even attempted to determine what mitigation is feasible or enforceable for an impact that exists, as discussed above.

- **Impact Statement AQ-2: Project Implementation Result in a Cumulative Considerable Net Increase of Any Criteria Pollutant for Which the Project Region is Non-Attainment Under an Applicable Federal or State Ambient Air Quality Standard**

The PEIR's claim that it is infeasible to estimate construction emissions of the proposed project is not supported by substantial evidence. Modeling of construction air pollutant emissions is routinely included in programmatic CEQA analysis for plans similar to the proposed project, such as general plans, regional plans, area plans, and community plans. The PEIR should be revised to estimate future daily construction emissions under buildout of the proposed project's development potential. This analysis should be based on reasonably foreseeable estimates for the rate of future development and timing of ultimate buildout under the proposed project. This additional information is needed so that the PEIR discloses the potential magnitude of pollutant emissions relative to SCAQMD thresholds under the proposed project and the associated health effects, which in turn will inform the development of mitigation measures and project alternatives to avoid or substantially lessen the impacts.

The PEIR's unsupported assertions about how General Plan policies affect proposed project air emissions need to be supported by substantial evidence explaining the effects of the policies on emissions-generating activities of the proposed project.

The PEIR should be revised to provide an explanation of the assumptions and inputs used to model the proposed project's operational emissions, which are shown in Table 4.3-6. The PEIR should also be revised to provide additional detail correlating the proposed project's emissions, which would greatly exceed SCAQMD thresholds, with potential health effects. For example, the PEIR shows that PM10 emissions would be 85 times higher than the threshold amount; PM2.5 emissions would be over 100 times higher than the threshold. An adequate air quality analysis requires a reasonable effort to substantively connect a project's air quality impacts to likely health consequences, or a meaningful detailed explanation of why it is not feasible to provide such an analysis. (See *Sierra Club v. County of Fresno* (2018) 6 Cal. 5th 502.)

- **Air Quality Mitigation Measures Do Not Meet CEQA Requirements**

The PEIR air quality mitigation measures violate CEQA requirements by improperly deferring important details until a future time, without providing sufficient benchmark standards. To meet CEQA's requirements for adequate mitigation, the PEIR air quality mitigation measures need to be revised to include:

- A commitment to the mitigation.

- Adopted performance standards for what the mitigation must achieve.
- A menu of potential actions that can feasibly achieve the performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measures.

Biological Resources

22-12

The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in the biological resources section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of biological resources impacts cannot be completed without an accurate project description. Please revise the project description.

Cultural Resources

22-13

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in cultural resources section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of cultural resources impacts cannot be completed without an accurate project description. Please revise the project description.

Energy

22-14

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in the energy section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of energy impacts cannot be completed without an accurate project description. Please revise the project description.

Geology and Soils

22-15

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in geology and soils section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of geology and soils impacts cannot be completed without an accurate project description. Please revise the project description.

Greenhouse Gas Emissions

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in greenhouse gas emissions section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of greenhouse gas impacts cannot be completed without an accurate project description. Please revise the project description.

- **Section 4.8.3 Impact Thresholds and Significance Criteria**

On page 4.8-25, the PEIR references the Environmental Checklist form provided in Appendix G to the CEQA Guidelines, and states that, “a project may create a significant adverse environmental impact if it would: (g)enerate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (refer to Impact Statement GHG-1); and (c)onflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gas (refer to Impact Statement GHG-2)”

- **Impact Statement GHG-1: Greenhouse Gas Emissions Generated by the Project Could Have a Significant Impact on Global Climate Change**

The analysis provided for Impact Statement GHG-1 is inadequate on several fronts. For one, the PEIR fails to clearly explain how it uses the GHG-1 “impact statement” to determine the significance of the proposed project’s GHG emissions impacts. It only offers that “the effects of the proposed project have been categorized as either a ‘less than significant impact’ or ‘potentially significant impact’” based on the language of Impact Statement GHG-1 (PEIR page 4.8-25). At a minimum, the PEIR should be revised to clearly describe the criteria used by the County to measure compliance with this impact statement and determine the significance of the proposed project’s GHG emissions impacts. The PEIR should be revised to provide a clear, internally consistent description of the thresholds of significance for GHG emissions impacts. The PEIR should also explain how compliance with the threshold(s) used means that the proposed project’s impacts would be less than significant. CEQA Guidelines Section 15064(b)(2). As part of this explanation, the PEIR should clarify its statement that, “the impact analysis for this project relies on guidelines, analyses, policy, and plans for reducing GHG emissions established by the California Air Resources Board (CARB).” (PEIR pp. 4.8-1 to 4.8-2). Which guidelines, analyses, policies and plans? Please explain.

Without understanding the County’s criteria for determining significance, it is not possible for the reader to understand the nature or severity of the significant GHG emissions impacts identified for the proposed project, and therefore, also not possible to evaluate the adequacy of the mitigation measures identified in the PEIR for avoiding or substantially lessening the significant impacts.

The analysis presented under Impact Statement GHG-1 is divided into two sections, one addressing construction-related impacts and the other addressing operational impacts. These two components of the GHG-1 impact analysis are addressed separately below.

- **The Inadequate Analysis of Construction-Related GHG Emissions Impacts Needs to be Revised**

The analysis of construction impacts provides a high-level description of generic types of construction activities that generate GHG emissions; there is no attempt to qualitatively analyze the timing or magnitude of construction-related GHG emissions that would result from the substantial amount of development allowed to occur under the proposed project. The PEIR goes on to assert, in back-to-back sentences, that quantifying construction related GHG emissions is both “not possible” and that precise quantification is “impractical.” It concludes by asserting, without evidence or explanation, that although certain “current policies” and mitigation measures recommended for Impact Statement AQ-2 in PEIR Section 4.3, Air Quality, would minimize construction-related GHG emissions, the proposed project could result in future development that exceeds South Coast Air Quality Management District (SCAQMD) thresholds of significance, which are not named or identified.

The PEIR analysis of construction-related GHG emissions impacts must be revised in several ways. First, the County must make a good-faith effort to quantify and disclose estimated construction-related GHG emissions that would result from the proposed project. The PEIR’s assertion that “quantifying precisely” is “impractical” is not a basis to exclude this information from the PEIR. Moreover, the PEIR’s assertion that is “not possible” to quantify the proposed project’s GHG emissions is not supported by substantial evidence. In fact, the County’s own Climate Action Plan, with its modeling of off-road equipment GHG emissions for all of the unincorporated County areas for decades into the future, shows that it is possible, and indeed feasible, to prepare a programmatic estimate of GHG emissions from construction equipment without knowing site- or project-specific information (County CAP). In addition, any discussion of current policies that minimize the construction-related GHG emissions of the proposed project must be supported with substantial evidence showing how such policies would reduce emissions. Also, the impact analysis should first determine the significance of the proposed project’s GHG emissions under the threshold being used, before analyzing the effect of air quality mitigation measures identified elsewhere in the PEIR on the proposed project’s GHG emissions impacts. And finally, if the PEIR is evaluating construction-related GHG emissions against certain “SCAQMD thresholds of significance” as it implies, then the PEIR needs to clearly describe what those thresholds are, explain why they are appropriate to use for the proposed project, and provide an analysis, supported by substantial evidence, that compares the proposed project’s GHG emissions to those thresholds. The PEIR also needs to clearly identify feasible mitigation measures that address the construction-related GHG emissions that would be generated by the proposed project.

- **The Inadequate Analysis of Operational GHG Emissions Impacts Needs to be Revised**

Initially, the PEIR explains that the proposed project's operational GHG emissions are "qualitatively evaluated" based on "compliance with the long-term State reduction targets." (PEIR page 4.8-26) The PEIR does not offer a description of how this qualitative evaluation of target compliance will be performed, and does not identify the State reduction targets used in the analysis. The PEIR also appears to describe an additional method used to evaluate operational GHG emissions, explaining that, "future development that would occur under project buildout (new development) was assessed based on the capacity to effectively reduce GHG emissions sources from project-specific operations within the project area." (PEIR page 4.8-26) The PEIR offers no explanation of what it means for future development to have "capacity to effectively reduces GHG emissions sources from project-specific operations."

The impact analysis for GHG-1 presents a comparative analysis of annual GHG emissions under the proposed project as compared to development under the current County General Plan, which shows that the proposed project would increase annual GHG emissions by 68,588 MTCO_{2e} relative to development allowed under the current General Plan (PEIR Table 4.8-1). The PEIR provides no interpretation or analysis of how the annual GHG emissions increase relates to the proposed project's GHG emissions impact being analyzed. It also does not provide any information about the timing of when such annual rates of GHG emissions would be expected to occur. Moreover, on page 4.8-24, the PEIR explains that "this EIR quantifies total annual GHG emissions for informational purposes," although it does not clearly explain what this means, and it does not explain why total annual emissions are included in the impact analysis for GHG-1. This wording suggests that the GHG emissions are not intended to be reliable, thereby undercutting the value of the data for CEQA purposes.

The PEIR then provides a high-level description, asserting that certain objectives of the proposed project would generally "reduce GHG emissions" although it is not clear to what the asserted reduction in emissions is being compared. The PEIR also asserts that several County General Plan policies would "minimize GHG impacts" but does not provide substantial evidence explaining how the policies would affect the proposed project's emissions.

The analysis then presents two mitigation measures, GHG-1 and GHG-2, and describes their purported effect on the proposed project's GHG emissions. The PEIR presents these mitigation measures without first determining the significance of the proposed project's impacts, thereby skipping a critical step. The analysis concludes by asserting that it is not feasible to analyze future development under the proposed project because timing and project-specific details are unknown, and therefore, the County's thresholds could be exceeded, but it does not identify or describe the "County thresholds" being referenced.

Moreover, the conclusion that future development cannot be analyzed in any regard is incorrect; even a programmatic EIR still must contain a certain level of information.

The PEIR analysis of operational GHG emissions impacts should be revised in several ways. First, it needs to clearly identify the criteria being used to evaluate the proposed project's GHG emissions under Impact Statement GHG-1. Similarly, the PEIR needs to clearly address whether estimates of annual GHG emissions resulting from the proposed project, including comparisons of estimated annual GHG emissions under the current General Plan, are used in the evaluation of the significance of the proposed project's GHG emissions, and if so, how. If the proposed project's total annual GHG emissions are in fact presented only for "informational purposes" as stated in the PEIR, then the PEIR must explain what this means and why the estimates are not used in the impact analysis. Moreover, before any discussion of mitigation measures, the impact analysis must first clearly analyze whether the GHG emission impacts would be potentially significant, i.e., address whether or not the threshold being applied would be exceeded or not. If the threshold would be exceeded and the impact would be potentially significant, then all feasible mitigation measures to reduce the impact to less than significant must be identified and proposed to be imposed. Also see below for comments on PEIR Mitigation Measures GHG-1 and GHG-2.

- **Impact Statement GHG-2: Implementation of the Proposed Project Could Conflict with an Applicable Greenhouse Gas Reduction Plan, Policy, or Regulation**

The analysis provided for Impact Statement GHG-2 is inadequate on several fronts. For one, the PEIR does not clearly identify the criteria being used to evaluate the proposed project under this threshold of significance. For example, the PEIR discussion of impact thresholds and significance criteria explains that "The project's GHG impacts are evaluated by assessing the project's consistency with applicable local, regional, and statewide GHG reduction plans and strategies." (PEIR p. 4.8-24) It then identifies the 2020-2045 RTP/SCS and the 2017 Scoping Plan as the two GHG reduction plans applicable to the project. The County's Climate Action Plan (CAP) is not identified as an applicable plan, or even referenced in this section. Later, in the impact analysis for GHG-2 (PEIR p. 4.8-30), a discussion of the County's CAP is provided, but the proposed project is not analyzed for potential conflicts with the County's CAP, and the relevance of the discussion provided to the PEIR impact analysis and significance conclusion for Impact Statement GHG-2 is unclear. The PEIR does assert that the proposed project would be "consistent with the emissions reductions targets set by the (County's) CAP" (p. 4.8-36), but offers only unsubstantiated statements that the proposed project would not conflict with growth projections and would reduce VMT and be "consistent with appropriate CAP measures" (which are addressed later in this comment letter).

The PEIR must be revised to include an analysis of the proposed project for consistency or conflicts with the County's Climate Action Plan. It must provide the criteria used to evaluate the proposed project for consistency or conflicts with the County's CAP, and

support its analysis with substantial evidence. In addition, the PEIR needs to assess the significance of the proposed project's GHG emissions impact under Impact Statement GHG-2 before considering the role of mitigation measures in reducing a potentially significant impact. (PEIR p. 4.8-39) As part of this revised analysis, the PEIR should clarify statements, like the one on page 4.8-29, asserting that all future development under the proposed project "would demonstrate compliance with the State's GHG reduction targets." Substantial evidence is needed to support this assertion, including the regulatory requirements and other processes that would achieve this outcome, as well as the specific GHG reduction targets being referenced.

Consistency with the County's Climate Action Plan

The County's CAP is based on anticipated growth using the County's 2015 General Plan, including the number of residential households and commercial/industrial jobs (County CAP Table 3-3). The PEIR explains that the proposed project would allow development that decreases the number of jobs in the project area by 10,055, and increases the number of residential dwelling units by 12,329, when compared to the existing General Plan Land Use Designations (PEIR Table 3-2). The PEIR fails to directly analyze whether the increase in residential development potential resulting from the proposed project would conflict with the County's ability to meet its GHG reduction targets through the measures set forth in its CAP. Similarly, the PEIR does not explain how it is that future development under the proposed project could be found to be consistent with the County's CAP under CEQA Guidelines Section 15183.5, when the anticipated growth of the proposed project is not accounted for in the County's CAP. As the County admits later in the GHG section, "Project consistency with population growth projections is one of the criteria for determining consistency with GHG reduction plans." (PEIR p. 4.8-36)

Consistency with SCAG's Connect SoCal 2020-2045 RTP/SCS

The analysis of the proposed project's consistency with the Connect SoCal 2020-2045 RTP/SCS (PEIR pp. 4.8-30 to 4.8-33) must be revised to analyze whether the changes in development potential under the proposed project, including an increase of over 12,000 residential dwellings and reduction of over 10,000 jobs, would adversely affect SCAG's ability to meet its passenger vehicle GHG reduction target for 2035. The analysis should also be revised to provide additional details and evidence supporting assertions that the proposed project would reduce VMT by "facilitating development opportunities for greater housing variety and density" and "facilitat(ing) a sustainable multi-modal transportation network that includes walkable, bicycle-friendly environments with increased accessibility via transit." (PEIR p. 4.8-31) The PEIR contends that, "(T)he County has no control over vehicle emissions," which ignores the many strategies within the County's control and influence to reduce vehicle emissions, including its ability to support conversion of the vehicle fleet to zero emissions vehicles (ZEVs), installation of charging and fueling infrastructure for ZEVs, and its ability to reduce VMT through regulation of land use patterns and circulation improvements.

In addition, the analysis of proposed project consistency with the five key SCS strategies of the 2020-2045 RTP/SCS (Table 4.8-2, PEIR p. 4.8-31) must be revised to fully evaluate the proposed project's consistency with each of the strategies; the current analysis is incomplete in that it does not address several components of the five key SCS strategies. Moreover, the analysis must be revised to include support and evidence for the conclusions of consistency with SCS strategies.

Consistency with Growth Projections

In Table 4.8-3: Project Consistency with Applicable CARB Scoping Plan Measures (PEIR p. 4.8-34), the County asserts that development under the proposed project would be "consistent with the growth projections in the RTP/SCS." Given that the PEIR reports elsewhere (e.g., PEIR Table 3-2) that the proposed project would allow development that decreases the number of jobs in the project area by 10,055, and increases the number of residential dwelling units by 12,329 when compared to the existing General Plan Land Use Designations, the County must provide additional information and explanation supporting its conclusion that the growth resulting under the proposed project is consistent with growth projections used in the RTP/SCS, which was adopted in September 2020. As the County itself states in Section 3.14, Population and Housing, "General Plan growth projections form the basis of SCAG's planning and policy documents, including regional growth forecasts." (PEIR p. 4.14-9)

The PEIR also references Section 3.14 to conclude that the project would not conflict with County or regional growth projections because "although it would directly increase population through housing development, it would also directly decrease population through development of less-employment generating land uses." (PEIR p. 4.8-36) It is unclear how the County reached the conclusion that the proposed project's increase of 12,329 residential units and decrease of 10,055 jobs, relative to the adopted General Plan, is consistent with the growth projections used in the County's CAP and in SCAG's 2020-2045 RTP-SCS. PEIR Section 3.14 (p. 4.14-9) attempts several arguments to support this conclusion, which are summarized below, but none of these contentions actually supports the conclusion of proposed project consistency with 2020-2045 RTP/SCS growth projections (which, according to the County, are based on the County General Plan) or the County's CAP (which are based on the County's 2015 General Plan).

The GHG analysis includes these flawed assumptions:

- The PEIR asserts that the proposed project would not exceed planned growth projections because the rate of population increase between the proposed project and adopted General Plan, 21%, is lower than the 33% rate of population growth that SCAG has projected for Riverside County between 2021 and 2045.
- The PEIR references the County-wide residential vacancy rate of 13%.

- The PEIR asserts that growth under the proposed project “would occur incrementally through 2045,” housing under the proposed project would be “dispersed...over approximately 50,000 acres,” and that some unspecified amount of population would decrease the proposed project would allow for fewer additional jobs than the adopted General Plan. Please identify the number of units, and projected population.

GHG Mitigation Measures

- PEIR Mitigation Measures GHG-1 and GHG-2 would require that new discretionary developments under the proposed project implement CAP measures equivalent to at least 100 points (according to the CAP’s Screening Tables). It asserts that the mitigation would “ensure GHG emissions from new development are reduced to levels necessary to meet California State targets.” (PEIR p. 4.8-29) This statement is inadequate for the following reasons.

First, as described in the above comments, the PEIR does not provide substantial evidence supporting its conclusion that the development potential of the proposed project, which results in substantial changes to development potential of residential and employment land uses under the adopted General Plan, is accounted for in the growth projections of the County’s CAP. Because the proposed project’s development potential differs substantially from the General Plan growth projections on which the CAP is based, additional analysis is needed to determine whether the County could still meet its CAP targets when requiring development under the proposed project to “garnish at least 100 points” of CAP measures. Moreover, Mitigation Measures GHG-1 and GHG-2 have been crafted to only apply to new “discretionary development” that results from the proposed project. Additional analysis is needed to understand the degree to which development under the proposed project would be processed through ministerial instead of discretionary processes, and by extension, not required to implement CAP measures that reduce GHG emissions. Disclosure of this information is needed to understand the effectiveness of mitigation measures GHG-1 and GHG-2.

In addition, the County must revise the PEIR to reconcile the conflicting statements that the GHG emissions impacts of future development “would be analyzed on a project-by-project basis” (p. 4.8-28) and “would be required to undergo project-specific CEQA review, including analysis of potential operational GHG emissions” (p. 4.8-29), with the language in mitigation measure GHG-2 that projects will be required to implement CAP measures that achieve at least 100 points “in lieu of a project-specific analysis.” If future environmental review will is not anticipated, then significantly more detailed review is required at this juncture. Alternately, if the County intends to tier off of this document for future review, then the County must clearly state that future, project-level analysis will occur.

Hazards and Hazardous Materials

22-17

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in hazards and hazardous waste section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of hazard and hazardous material impacts cannot be completed without an accurate project description. Please revise the project description.

Hydrology and Water Quality

22-18

The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in the hydrology and water quality section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of hydrology and water quality impacts cannot be completed without an accurate project description. Please revise the project description.

Land Use and Planning

22-19

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in land use and planning section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of aesthetic impacts cannot be completed without an accurate project description. Please revise the project description.
- Page 4-11-1: The Land Use and Planning Section is entirely inadequate. It does not mention the Western Riverside Council of Governments (WRCOG) as the regional planning agency for the project area, let alone provide any analysis of regional impact within Western Riverside County, or WRCOGs subregional Climate Action Plan GHG reduction measures. Further, the Land Use and Planning section does not acknowledge the proposed Winchester Community Plan and simply refers to all of the existing Area Plans and overlays that will be modified to create the proposed plan.

Mineral Resources

22-20

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in mineral resources section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of mineral resource impacts cannot be completed without an accurate project description. Please revise the project description.

Noise and Vibration

22-21

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in noise and vibration section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of noise and vibration impacts cannot be completed without an accurate project description. Please revise the project description.

Population and Housing

22-22

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in population and housing section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of population and housing impacts cannot be completed without an accurate project description. Please revise the project description.

Public Services

22-23

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in the public services section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of public services impacts cannot be completed without an accurate project description. Please revise the project description.

Recreation

22-24

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in the recreation section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of recreation impacts cannot be completed without an accurate project description. Please revise the project description.

Transportation

22-25

- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in the transportation section of the PEIR is flawed due to the inadequacy of the project description. An adequate

analysis of transportation impacts cannot be completed without an accurate project description. Please revise the project description.

Regulatory Setting

- Page 4.17-7 and 4.17-8: The regulatory setting includes LOS-based policies and programs. CEQA documents can no longer base a significance determination on an automobile delay-based analysis, such as LOS; it is therefore unclear why this information is included in the regulatory settings. The document is not precluded from including a LOS analysis for disclosure purposes, such as General Plan Circulation Element or Congestion Management Plan consistency, but the analysis cannot be used as a basis for determining a significant environmental impact. Please clarify the County's approach here.

Impact Analysis

- TRA-1 (Construction Impacts): This impact notes that "site-specific Traffic Management Plans (TMPs) would be required to be implemented for each individual implementing project." However, there is no implementation mechanism mentioned or cross-referenced that would ensure implementation of such plans. How does the County intend to ensure that this implementation occurs?
- TRA-2: TRA-1 (Operational Impacts) notes that the project would result in modifications to Caltrans facilities and other roadways but does not state what those changes would be. If there would be any roadway widening associated with the project, consistent with guidance in the OPR Technical Advisory, induced demand/VMT needs to be analyzed within impact TRA-2.
- TRA-2: The VMT thresholds for retail and other customer land uses shown in Table 4.17-1 are listed as "net regional change." That is not a threshold, which is a metric. The analysis needs to be revised to state what the threshold is for both of these land uses (e.g., no net increase in regional VMT).
- TRA-2: The impact states that "the RIVTAM Model maintains a base year condition of 2012 which, for purposes of this analysis, is considered to be representative of existing conditions." There is no explanation given as to why or how this is representative of existing conditions. Additionally, an updated version of RIVTAM has been released since the completion of this analysis and includes a base year of 2018. Use of the updated and refined model should be considered. The updated RIVTAM model needs to be used for the PEIR traffic analysis, or an explanation included as to why the current version of RIVTAM was not used.
- TRA-2: The impact analysis shows a very high level VMT evaluation in Tables 4.17-2 and 4.17-3, but there is no discussion or disclosure of what land use assumptions were included for any of the modeling. Please provide this.

- TRA-2 (Mitigation): The statement that, “Although many of the VMT reducing design principles, policies, and improvements that are described above may ultimately mitigate and/or potentially reduce the VMT impacts outlined...” is speculative and misrepresents the VMT analysis findings. With the level of VMT increases across the board, it is highly unlikely that any of the VMT impacts would be able to be mitigated to a less than significant level.
- TRA-2 (Mitigation): VMT-reducing design principles incorporated in the Draft Winchester Design Principles are incorrectly presented as mitigation. If these are part of the proposed project, they should be incorporated into the analysis and not included as mitigation. Generally, it is unclear what portion of that which is presented as mitigation is actually part of the project as opposed to being true mitigation.
- TRA-2 (Mitigation): There is no quantification of the proposed VMT mitigation. It is also unclear if all feasible VMT mitigation has been proposed. Please revise and provide the quantification, as well as a more robust discussion of VMT mitigation.
- TRA-3: If there are no existing requirements for construction traffic management, it cannot be assumed that a temporary traffic control plan would be implemented, and associated impacts reduced to a LTS level.

Draft VMT Mitigation Fee Ordinance/Nexus Study

- The County has indicated that the draft VMT Mitigation Fee Ordinance/Nexus Study has been prepared to mitigate traffic impacts in the Winchester Community Plan Area through the development and implementation of a VMT mitigation fee. The draft Ordinance /nNexus study is purportedly required by PEIR mitigation measure TRA-1. The fee appears to be based upon an assumption that two measures (Park and Ride facility and a Metrolink multi-modal facility) will mitigate **all** VMT impacts associated with the proposed Winchester Community Plan. A total of \$11,000,000 is arbitrarily assigned to the cost of facility construction, without consideration of current and ongoing supply chain issues and inflation. Then, a total of 33,569 residential units is assumed (without any basis or support) to be developed within the proposed Winchester Community Plan area, divided by the unrealistically low cost of \$11,000,000 to come up with a per unit VMT mitigation fee of \$328/unit. In short, there is no support for the conclusions that are reached. The VMT Mitigation Fee Ordinance and Nexus Study incorrectly assumes that the 9% residential intensity reduction policy can be eliminated and an unsupported and overstated residential unit count is assumed for analysis purposes.

The VMT Mitigation Fee Ordinance/Nexus Study is purportedly evaluated in the PEIR, although no mention if it can be found in the body of the PEIR text. In addition, there is no mention of 33,569 residential units anywhere in the PEIR. The conclusion of the VMT Mitigation Fee Ordinance/Nexus Study, namely, that the proposed VMT mitigation fee

will mitigate all proposed Winchester Community Plan VMT impacts, is not supported by any substantial evidence or analysis in the PEIR. Please provide an adequate analysis of VMT impacts and a realistic mitigation program, supported by evidence, to demonstrate how proposed Winchester Community Plan VMT impacts would be reduced to less than significant.

Tribal Cultural Resources

- 22-27
- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in tribal and cultural resources section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of tribal cultural resources impacts cannot be completed without an accurate project description. Please revise the project description.

Utilities and Service Systems

- 22-28
- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in utilities and service systems section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of utilities and service systems impacts cannot be completed without an accurate project description. Please revise the project description. A Water Supply Assessment is required to evaluate the long term viability of water supplies to serve the proposed community plan, especially as relates to worsening drought conditions. Please provide.

Wildfire

- 22-29
- The previous comments on the inadequacy of the project description flow through to all of the PEIR Environmental Issue sections, as the environmental analysis must be based upon an adequate project description. As a result, the analysis contained in the wildfire section of the PEIR is flawed due to the inadequacy of the project description. An adequate analysis of wildfire impacts cannot be completed without an accurate project description. Please revise the project description.

Mandatory Findings of Significance

- 22-30
- Section 4.21 lists 10 environmental issue areas that cannot be reduced to less than significant and remain significant and unavoidable. This section summarizes the findings of the purported “analysis” contained Section 4.0 of the PEIR, which is flawed due to the inadequacy of the project description. An adequate analysis of impacts cannot be

completed without an accurate project description. Please revise the project description, and address all other comments accordingly.

Cumulative Impacts

22-31

- Table 5-1 (Cumulative Projects List) contains a grand total of 10 projects (1,187 residential units and 10,283,987 square feet of non-residential uses that embody the entirety of cumulative projects in the vicinity of the proposed Winchester Community Plan. The cumulative projects map (Exhibit 5-3) in the PEIR is blank. It is incomprehensible that only those 10 projects comprise the entire cumulative project list, given the size of the project area and the fact that the project area is one of the fastest developing areas within Riverside County and the State of California.
- Throughout the cumulative impact section, level of significance statements are made without any supporting analysis.

Other CEQA Considerations

22-32

- The conclusion of the growth inducing impacts section is that the proposed Winchester Community Plan would not induce growth. Nothing could be further from the truth, as the Plan proposes to eliminate the 9% cap on residential units and proposes numerous general plan amendments to increase residential density within the Plan area. The conclusion is not just incorrect, it is contradicted by the Cooperative Agreement to which the County is a party. This discussion and conclusion must be revised to accurately state what the County is attempting to do.

Alternatives to the Proposed Project

22-33

- The PEIR proposes four alternatives to the proposed project. CEQA requires a reasonable range of alternatives that meet most of the basic project objectives be proposed to reduce or eliminate identified environmental impacts. No explanation is provided for how the number of residents, dwelling units and non-residential square footages are calculated for each alternative. It is difficult to understand how each alternative's number of residents, dwelling units and non-residential square footages were determined since the Winchester Community Plan project description does not contain a proposed land use plan or a proposed land use summary table. As a result, it is impossible to determine if an alternative would reduce environmental impacts as compared to the proposed project and/or the other alternatives. Under the existing analysis, it is impossible to identify the environmentally preferred alternative. Again – the project description needs to be adequately prepared to properly understand the formulation of alternatives.

Conclusion and Written Request for Notices

Based on these defects and inadequacies in the Draft PEIR, the City requests that the County suspend any further consideration of the project until a Draft PEIR that fully complies with CEQA is prepared and recirculated for public review and comment. The City objects to any further County action on the project until the necessary environmental review has been completed.

22-34

The City requests that written responses to each of the following comments be provided in accordance with CEQA Guidelines Section 15088.

Pursuant to Public Resources Code section 21092.2(a), the City intends that this letter serve as a written request for a copy of all notices that may be issued or filed related to this project or any part or component thereof. Please direct all such notices to me at the address on this letter.

Sincerely,



Luke Watson
Deputy City Manager

cc: Chuck Washington, County Supervisor
Jeffrey Van Wagenen, Riverside County Administrator
Juan Perez, Chief Operating Officer
John Hildebrand, Planning Director County of Riverside
Evan Langan, Project Planner County of Riverside

Aaron Adams, City Manager
Kevin Hawkins, Assistant City Manager
Patrick Thomas, Director of Public Works

Matthew Bassi, City of Wildomar
Karen Brindley, City of Lake Elsinore
Cheryl Kitzerow, City of Menifee
Jim Morrissey, City of Canyon Lake
Jarrett Ramaiya, City of Murrieta

Attachments: Exhibit A, Cooperative Agreement
Exhibit B, Amendment No.1 to the Cooperative Agreement
Exhibit C, Settlement Agreement

Exhibit A:

**Cooperative Agreement Between the City of Temecula and the County of Riverside to
Mitigate Traffic Impacts in Western Riverside County**

**COOPERATIVE AGREEMENT BETWEEN THE CITY OF
TEMECULA AND THE COUNTY OF RIVERSIDE TO
MITIGATE TRAFFIC IMPACTS IN WESTERN
RIVERSIDE COUNTY**

This Agreement is made and entered into as of April 1st, 2005 by and between the City of Temecula, a municipal corporation ("City"), and the County of Riverside, a public subdivision of the State of California ("County"). In consideration of the mutual promises set forth herein, the City and County agree as follows:

ARTICLE 1

RECITALS

This Agreement is made for the following purposes and with respect to the following facts, which the City and County agree to be true and correct:

1.1 Since 1999, the County has been engaged in a project known as the Riverside County Integrated Project (the "RCIP"), which initially consisted of proposals for the Community and Environmental Transportation Acceptability Process (the "CETAP"), the Western Riverside County Multi-Species Habitat Conservation Plan ("MSHCP"), and an updated general plan to replace the County general plan adopted in 1984. The CETAP has not yet been adopted. The MSHCP has been adopted by the County and the member agencies. The State and Federal agencies have also approved the MSHCP and issued the necessary permits for the MSHCP.

1.2 On October 7, 2003, the County adopted its Resolution No. 2003-487, approving a new General Plan (the "General Plan") to replace the prior general plan approved in 1984 and adopted Resolution No. 2003-488 adopting and certifying a Final Environmental Impact Report for the General Plan ("FEIR"). The General Plan designates land uses for the unincorporated areas of the County. The General Plan also describes the infrastructure necessary to serve the designated land uses.

1.3 The City is located in southwestern Riverside County. Two major highways traverse the City, State Route 79 North (Winchester Road) and State Route 79 South, and connect to Interstate 15. The City has improved these roads from two lanes to six lanes in order to accommodate the growth within the City. These roads also serve the unincorporated areas of the County surrounding the City.

1.4 During the public hearing process, the City commented extensively on the proposed General Plan. The City contends, among other things, that the General Plan fails to adequately provide for construction of the traffic improvements required to serve the dwelling units proposed by the General Plan and, therefore, fails to mitigate the traffic impacts created by the General Plan; that the General Plan deficiencies are of particular concern to the City because traffic generated in the Southwest area of the County will severely impact the City unless certain

traffic improvements are built concurrently with the proposed dwelling units; and that no adequate mechanism exists in the General Plan to ensure that traffic mitigation measures identified in the General Plan and the FEIR are in place before the dwelling units creating the need for the mitigation measures are constructed. The County disputes the City's contentions.

1.5 On November 5, 2003, the City filed a Petition for Writ of Mandate in Riverside Superior Court challenging the legality and validity of the General Plan and the FEIR. The action is entitled "*City of Temecula v. County of Riverside; Board of Supervisors of the County of Riverside*," Riverside County Superior Court Case No. RIC 402766 ("Litigation"). The County disputes the City's contention that the General Plan and FEIR are invalid.

1.6 Despite their differences in the Litigation, the City and County desire to cooperatively work together in an effort to improve the highway infrastructure in Western Riverside County for the benefit of all current and future residents of the County. The City and County acknowledge that providing adequate traffic infrastructure for Western Riverside County involves complex engineering, environmental and financial challenges requiring the full cooperation of all federal, state and local governmental agencies, but will provide substantial public benefits for the City, County and the people living and working in the City and the County.

1.7 This Agreement sets forth the framework for a major cooperative effort by the City and the County to provide the traffic infrastructure required for new housing development in Western Riverside County before the creation of actual traffic impacts.

1.8 This Agreement specifically addresses impacts of the General Plan on Major Arterial Roads in Southwest Riverside County in the specific area to be known as the "I-215 Policy Area." This Agreement also specifically addresses impacts of the General Plan on freeways in the "Western Riverside County Area". For the purposes of this Agreement, the "I-215 Policy Area" shall be the area described in and shown on Exhibit A and the "Western Riverside County Area" shall be the area described in and shown on Exhibit D.

1.9 The terms described below shall have the following meanings unless otherwise noted in the Agreement:

1.9.1 "Appropriately formed and fully funded financing mechanism" is defined in Section 2.3.4 and Section 3.3.4 and shall mean a community facilities district, assessment district, or similar infrastructure financing mechanism, which has been formed and which is fully funded to provide for the immediate construction of the Major Arterial Roads required to mitigate project-related traffic impacts. "Appropriately formed financing mechanism" is defined in Section 2.3.4 and Section 3.3.4 and shall mean a community facilities district, assessment district, or similar infrastructure financing mechanism, which has been formed to provide for the construction of the Major Arterial Roads required to mitigate project-related traffic impacts.

1.9.2 "Best efforts" County is defined in Section 2.3.2 and Section 2.3.7. As used in Section 2.3.2, "best efforts" shall mean that the County shall initiate proceedings to amend the General Plan as described in Section 2.1 and shall diligently process the proposed

General Plan Amendment to completion in accordance with all applicable laws, subject to the County's legislative discretion as more particularly described in Section 2.3.5. As used in Section 2.3.7, "best efforts" shall mean that the County shall, at the time an appropriately formed financing mechanism is in place and sufficient funds are available, diligently undertake, without unnecessary delay, all the actions required to enable construction of the Major Arterial Roads, including, but not limited to, preparing and processing the required environmental documentation, design documentation and plans and specifications. As used in Section 2.3.7, "best efforts" shall further mean that the County shall, at the time an appropriately formed and fully funded financing mechanism is in place, diligently initiate and complete construction of the Major Arterial Roads.

1.9.3 "Best efforts" City is defined in Section 3.3.2, and shall mean that the City shall initiate proceedings to amend the General Plan as described in Section 3.1 and shall diligently process the proposed General Plan Amendment to completion in accordance with all applicable laws, subject to the City's legislative discretion as more particularly described in Section 3.3.6.

1.9.4 "City" shall mean the City of Temecula.

1.9.5 "City General Plan Amendment" shall mean the proposed amendment to the Temecula General Plan described in Section 3.1.

1.9.6 "City Land Use Applications" is defined in Section 3.3.3 and shall mean any applications on which the City Planning Commission has not taken final action as of the effective date of this Agreement, the approval of which, would authorize or conditionally authorize the construction of dwelling units within the City, including, but not limited to, applications for General Plan amendments, specific plans, specific plan amendments, zone changes, development agreements, subdivision maps and planned development permits.

1.9.7 "County" shall mean the County of Riverside.

1.9.8 "County General Plan Amendment" shall mean the proposed amendment to the Riverside County General Plan described in Section 2.1.

1.9.9 "County Land Use Applications" is defined in Section 2.3.3 and shall mean any applications on which the County Planning Commission has not taken final action as of the effective date of this Agreement, the approval of which, would authorize or conditionally authorize the construction of dwelling units within the I-215 Policy Area, including, but not limited to, applications for General Plan amendments, specific plans, specific plan amendments, zone changes, development agreements, subdivision maps and planned development permits.

1.9.10 "Effective date of this Agreement" shall mean the date described in Section 6.11.

1.9.11 "General Plan" shall mean the Riverside County General Plan approved by Resolution No. 2003-487 of the Board of Supervisors of Riverside County on October 7, 2003.

1.9.12 "Freeways" shall mean the I-15 Freeway and the I-215 Freeway within the Western Riverside County Area.

1.9.13 "Freeway Action Plan" shall mean the action plan described in Section 4.4 which shall be negotiated by the City and County following receipt of the Freeway Strategic Study.

1.9.14 "Freeway Strategic Study" shall mean the study described in Section 4.1 to set specific goals for the development of the freeway capacity necessary to meet the traffic generated by new housing development in the Western Riverside County Area and to establish the framework for the joint efforts of the City, County, and other federal, state and local agencies to implement the goals and establish the necessary freeway capacity.

1.9.15 "I-215 Policy Area" is defined in Section 1.8 and shall mean the area in Southwest Riverside County described in and shown on Exhibit A.

1.9.16 "Litigation" shall mean the Petition for Writ of Mandate filed by the City on November 5, 2003 in Riverside Superior Court, entitled "*City of Temecula v. County of Riverside; Board of Supervisors of the County of Riverside,*" Riverside County Superior Court Case No. RIC 402766, challenging the legality and validity of the General Plan and the FEIR.

1.9.17 "Major Arterial Roads" is defined in Section 2.3.1 and Section 3.3.1 and shall mean those roadway projects identified in Exhibit B.

1.9.18 "Priority Phasing Program" shall mean the program described in Exhibit C.

1.9.19 "Western Riverside County Area" shall mean the area described in and shown on Exhibit D.

ARTICLE 2

MEASURES TO MITIGATE THE IMPACT OF NEW HOUSING DEVELOPMENT ON COUNTY ARTERIAL ROADS AND HIGHWAYS

2.1 The County shall use its best efforts to amend the General Plan so that it contains: (1) a policy indicating that the Major Arterial Roads within the I-215 Policy Area shall be constructed and completed concurrently with the construction of the dwelling units creating the demand for the Major Arterial Roads; and (2) a requirement that all land use applications approved by the County within the I-215 Policy Area ("County Land Use Applications") shall contain a condition, in addition to all other appropriate conditions, that building permits shall not

be issued until (a) the subject property is part of an appropriately formed and fully funded financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project or (b) the subject property is part of an appropriately formed financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project and the property owner pays its full proportionate share of the required improvements to the County in trust for the construction of the Major Arterial Roads which will mitigate the traffic impacts of the project or (c) the County otherwise funds or constructs the required improvements using money from other sources. The General Plan Amendments described in this section shall be known as the "County General Plan Amendment."

2.2 All County Land Use Applications approved by the County after the effective date of this Agreement shall contain a condition of approval requiring that building permits shall not be issued until (a) the subject property is part of an appropriately formed and fully funded financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project or (b) the subject property is part of an appropriately formed financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project and the property owner pays his/her/its full proportionate share of the required improvements to the County in trust for the construction of the Major Arterial Roads which will mitigate the traffic impacts of the project or (c) the County otherwise funds or constructs the required improvements using money from other sources.

2.3 The County, to the extent allowed by law, shall facilitate and promote the proceedings necessary to complete processing of the County General Plan Amendment as set forth in Section 2.1 and the County shall diligently process the County General Plan Amendment, including necessary environmental actions without unnecessary delay.

2.3.1 As used in this Agreement, "Major Arterial Roads" shall mean those roadway projects identified in Exhibit B.

2.3.2 As used in Sections 2.1, "best efforts" shall mean that the County shall initiate proceedings to amend the County General Plan as described in Section 2.1 and shall diligently process the proposed Amendment to completion in accordance with all applicable laws, subject to the County's legislative discretion as more particularly described in Section 2.3.5.

2.3.3 As used in this Agreement, County Land Use Applications shall mean any applications on which the County Planning Commission has not taken final action as of the effective date of this Agreement, the approval of which, would authorize or conditionally authorize the construction of dwelling units within the I-215 Policy Area, including, but not limited to, applications for General Plan amendments, specific plans, specific plan amendments, zone changes, development agreements, subdivision maps and planned development permits.

2.3.4 As used in this Agreement, "appropriately formed and fully funded financing mechanism" shall mean a community facilities district, assessment district, or similar infrastructure financing mechanism, which has been formed and which is fully funded to provide

for the immediate construction of the Major Arterial Roads required to mitigate project-related traffic impacts.. As used in this Agreement, "appropriately formed financing mechanism" shall mean a community facilities district, assessment district, or similar infrastructure financing mechanism, which has been formed to provide for the construction of the Major Arterial Roads required to mitigate project-related traffic impacts..

2.3.5 The Parties understand and acknowledge that, in the context of processing the County General Plan Amendment and the County Land Use Applications, the County cannot guarantee the ultimate outcome of any public hearings before the County Planning Commission or the County Board of Supervisors or other public bodies of the County, nor prevent any opposition thereto by members of the public or other agencies affected by or interested in the County General Plan Amendment and the County Land Use Applications. The Parties further understand and acknowledge that land use regulations involve the exercise of the County's police power and, at the time of executing this Agreement, it is settled California law that government may not contract away its right to exercise its police power in the future. Avco Community Developers Inc. v. South Coast Regional Com., 17 Cal.3d 785, 800 (1976); City of Glendale v. Superior Court, 18 Cal.App.4th 1768 (1993). The parties further understand and acknowledge that the approval of the County General Plan Amendment and the County Land Use Applications may be subject to procedural or substantive obligations under the California Environmental Quality Act, the State Planning and Zoning Law, or other laws potentially applicable to such approvals. Nothing in this Agreement is intended to constrain the County's consideration of the County General Plan Amendment and the County Land Use Applications in light of the information obtained or developed pursuant to these laws and the County retains the discretion to approve, conditionally approve, or disapprove the County General Plan Amendment and the County Land Use Applications in light of such information. Subject to the foregoing, the County, to the extent allowed by law, shall facilitate and promote the proceedings necessary to complete processing of the County General Plan Amendment as set forth in this section, and the County shall diligently process the County General Plan Amendment, including all necessary environmental actions without unnecessary delay.

2.3.6 The County shall send to the City a public hearing notice for all County Land Use Applications that require a hearing before the County Planning Commission or the County Board of Supervisors.

2.3.7 The County shall use its best efforts to complete the Major Arterial Roads pursuant to the Priority Phasing Program, attached hereto as Exhibit C. As used in this section, "best efforts" shall mean that County shall, at the time an appropriately formed financing mechanism is in place and sufficient funds are available, diligently undertake, without unnecessary delay, all the actions required to enable construction of the Major Arterial Roads, including, but not limited to, preparing and processing the required environmental documentation, design documentation and plans and specifications. As used in this, section "best efforts" shall further mean that the County shall, at the time an appropriately formed and fully funded financing mechanism is in place, diligently initiate and complete construction of the Major Arterial Roads.

ARTICLE 3

MEASURES TO MITIGATE THE IMPACT OF NEW HOUSING DEVELOPMENT ON CITY ARTERIAL ROADS AND HIGHWAYS

3.1 The City shall use its best efforts to amend the City's General Plan so that it contains: (1) a policy indicating that the Major Arterial Roads within the City shall be constructed and completed concurrently with the construction of the dwelling units creating the demand for the Major Arterial Roads; and (2) a requirement that land use applications approved by the City within the City ("City Land Use Applications") shall contain a condition, in addition to all other appropriate conditions, that building permits shall not be issued until (a) the subject property is part of an appropriately formed and fully funded financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project or (b) the subject property is part of an appropriately formed financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project and the property owner pays its full proportionate share of the required improvements to the City in trust for the construction of the Major Arterial Roads which will mitigate the traffic impacts of the project or (c) the City otherwise funds or constructs the required improvements using money from other sources. The City General Plan Amendments described in this section shall be known as the "City General Plan Amendment."

3.2 All City Land Use Applications approved by the City after the effective date of this Agreement shall contain a condition of approval which requires that building permits shall not be issued until (a) the subject property is part of an appropriately formed and fully funded financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project or (b) the subject property is part of an appropriately formed financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project and the property owner pays his/her/its full proportionate share of the required improvements to the City in trust for the construction of the Major Arterial Roads which will mitigate the traffic impacts of the project or (c) the City otherwise funds or constructs the required improvements using money from other sources.

3.3 The City, to the extent allowed by law, shall facilitate and promote the proceedings necessary to complete processing of the City General Plan Amendment as set forth in Section 3.1, and the City shall diligently process the City General Plan Amendment, including necessary environmental actions without unnecessary delay.

3.3.1 As used in this Agreement, "Major Arterial Roads" shall mean those roadway projects identified in Exhibit B.

3.3.2 As used in Sections 3.1, "best efforts" shall mean that the City shall initiate proceedings to amend the City General Plan as described in Section 3.1 and shall diligently process the proposed Amendment to completion in accordance with all applicable laws, subject to the City's legislative discretion as more particularly described in Section 3.3.5.

3.3.3 As used in this Agreement, City Land Use Applications shall mean any applications on which the City Planning Commission has not taken final action as of the effective date of this Agreement, the approval of which, would authorize or conditionally authorize the construction of dwelling units within the City, including, but not limited to, applications for General Plan amendments, specific plans, specific plan amendments, zone changes, development agreements, subdivision maps and planned development permits.

3.3.4 As used in this Agreement, "appropriately formed and fully funded financing mechanism" shall mean a community facilities district, assessment district, or similar infrastructure financing mechanism, which has been formed and which is fully funded to provide for the immediate construction of the Major Arterial Roads required to mitigate project-related traffic impacts. As used in this Agreement, "appropriately formed financing mechanism" shall mean a community facilities district, assessment district, or similar infrastructure financing mechanism, which has been formed to provide for the construction of the Major Arterial Roads required to mitigate project-related traffic impacts..

3.3.5 The Parties understand and acknowledge that, in the context of processing the City General Plan Amendment and the City Land Use Applications, the City cannot guarantee the ultimate outcome of any public hearings before the City Planning Commission or the City Council or other public bodies of the City, nor prevent any opposition thereto by members of the public or other public agencies affected by or interested in the City General Plan Amendment and the City Land Use Applications. The Parties further understand and acknowledge that land use regulations involve the exercise of the City's police power and, at the time of executing this Agreement, it is settled California law that government may not contract away its right to exercise its police power in the future. Avco Community Developers Inc. v. South Coast Regional Com., 17 Cal.3d 785, 800 (1976); City of Glendale v. Superior Court, 18 Cal.App.4th 1768 (1993). The parties further understand and acknowledge that the approval of the City General Plan Amendment and the City Land Use Applications may be subject to procedural or substantive obligations under the California Environmental Quality Act, the State Planning and Zoning Law, or other laws potentially applicable to such approvals. Nothing in this Agreement is intended to constrain the City's consideration of the City General Plan Amendment and the City Land Use Applications in light of the information obtained or developed pursuant to these laws and the City retains the discretion to approve, conditionally approve, or disapprove the City General Plan Amendment and the City Land Use Applications in light of such information. Subject to the foregoing, the City, to the extent allowed by law, shall facilitate and promote the proceedings necessary to complete processing of the City General Plan Amendment as set forth in this section, and the City shall diligently process the City General Plan Amendment, including all necessary environmental actions without unnecessary delay.

3.3.6 The City shall send to the County a public hearing notice for all City Land Use Applications that require a hearing before the City Planning Commission or the City Council.

ARTICLE 4

MEASURES TO MITIGATE THE IMPACT OF NEW HOUSING DEVELOPMENT ON WESTERN RIVERSIDE COUNTY AREA FREEWAYS

4.1 The City and the County shall jointly request that the Riverside County Transportation Commission ("RCTC") prepare a Freeway Strategic Study for the Western Riverside County Area which shall examine the freeway capacity, set specific goals for the development of the freeway capacity necessary to accommodate the trips generated by new housing development and establish the framework for the joint efforts of the City, County and other federal, state and local agencies to implement the goals and establish the necessary freeway capacity. The Joint Request for the Freeway Strategic Study shall ask that the Freeway Strategic Study be completed within four (4) months of the date of submittal of the Joint Request. The Joint Request shall be submitted to RCTC within thirty (30) days of the effective date of this Agreement. The parties authorize the Mayor of the City and the Chairperson of the Board of Supervisors to execute the Joint Request on behalf of their respective agencies.

4.2 The Freeway Strategic Study shall specifically study and analyze the following issues: (1) the current capacities of the freeways within Western Riverside County Area ("Freeways"); (2) the projected traffic growth projections for the Freeways as of January 1 in the years 2010, 2015, 2020, 2025 and 2030, based upon assumptions concerning the build-out of new housing as described in Exhibit E; (3) the percentage of traffic growth for the Freeways in those years attributable to new housing development in the Western Riverside County Area; (4) the currently proposed improvements for the Freeways; (5) the current funding options for the currently proposed improvements for the Freeways; and (6) the potential funding sources for improvements necessary to meet the projected traffic growth for the Freeways at build-out of the Western Riverside County Area.

4.3 The City and the County shall share equally in the costs incurred by RCTC in preparing the Freeway Strategic Study.

4.3.1 The County shall invoice the City for the City's share of the RCTC costs and the City shall pay such invoice within thirty (30) days of the date the invoice is deemed given under Section 6.7 of this Agreement.

4.3.2 During the course of RCTC's work on the Freeway Strategic Study, the City, the County and RCTC staff shall meet monthly to discuss the progress of the work and to review any additional work which may need to be undertaken by the consultant.

4.4 Following completion of the Freeway Strategic Study, the City and County shall meet and negotiate in good faith to develop a Freeway Action Plan for funding the freeway improvements necessary to meet the expected demand as determined by the Freeway Strategic Study. As part of the development of the Freeway Action Plan, the City and the County shall also form a Freeway Task Force composed of private and public stakeholders to build consensus

and secure participation of other Western Riverside County Area Cities in the Freeway Action Plan. The Freeway Task Force shall specifically include, but shall not be limited to, a representative from each of the following: the City and the County, RCTC, the Western Riverside Council of Governments ("WRCOG"), the development community and the environmental community.

4.5 In the event a third party files litigation concerning the Freeway Strategic Study or the Freeway Action Plan, or any portion thereof, the City and the County shall share equally in the costs of defending the litigation, provided the City's share shall not exceed the maximum sum of one hundred fifty thousand dollars (\$150,000.00).

4.6 Ad hoc subcommittees of the City Council and the County Board of Supervisors, along with their staffs, shall meet monthly to review the progress of the proposed General Plan Amendment (Section 2.1), the conditions of approval for the County and City Land Use Applications (Section 2.2 and Section 3.2) and the Freeway Strategic Study (Section 4.1).

ARTICLE 5

SETTLEMENT OF LITIGATION

5.1 The City shall dismiss without prejudice the Litigation within twenty- five (25) days of the effective date of this Agreement, subject to the City's right to refile the Litigation as provided in this Agreement.

5.2 The City shall have the right to refile the Litigation, subject to the provisions of Sections 5.2.1 through 5.2.6, inclusive, in the event that: (1) the County does not, within three (3) months of the effective date of this Agreement, complete the staff work required for the County General Plan Amendment, including necessary environmental documentation, and set a public hearing date before the Planning Commission; (2) the County does not, for any reason, adopt the County General Plan Amendment within nine (9) months of the effective date of this Agreement; or (3) the County does not adopt the jointly developed Freeway Action Plan described in Section 4.4 within one (1) year after completion of the Freeway Strategic Study described in Section 4.2.

5.2.1 The City's right to refile the Litigation shall expire one (1) year and thirty (30) days after completion of the Freeway Strategic Study. As used in this Agreement, "completion of the Freeway Strategic Study" shall mean the date RCTC transmits the final version of the Freeway Strategic Study to the City Council and the County Board of Supervisors.

5.2.2 In the event the City exercises its right to refile the Litigation, the refiled lawsuit shall not challenge the General Plan except with respect to the analysis of traffic impacts, including mitigation measures associated with such impacts, within the Third Supervisorial District of the County, as that District was configured on the effective date of this Agreement.

5.2.3 The prayer clause in the refiled Litigation shall request relief only with respect to the General Plan as it applies and relates to traffic impacts within the Third

Supervisory District. The prayer clause shall specifically state that the City does not request that the Court set aside the General Plan in its entirety. All pleadings, briefs, arguments and proposed orders filed by the City addressing the scope of relief, including proceedings pursuant to Public Resources Code Section 21168.9, shall be consistent with this provision.

5.2.4 The County specifically agrees that the City shall have the right to refile the Litigation pursuant to the terms of this Agreement notwithstanding the applicable statute of limitations governing legal challenges to the General Plan and agrees to toll the statute of limitations for a legal challenge to the General Plan so as to enable the City to exercise its rights under this Agreement. Pursuant to this Agreement, the County does not toll or waive the defense of the statute of limitations as to any persons, agencies or entities other than the City.

5.2.5 The County further agrees, on behalf of itself and any successors or assigns, that in the event the Litigation is refiled the County will not raise any applicable statute of limitations as a defense to the refiled Litigation and will allow the City to proceed with prosecution of the refiled Litigation subject to the restrictions set forth in this Agreement.

5.2.6 Subject to the restrictions set forth in Section 5.2.2 and Section 5.2.3, nothing herein is intended to, nor shall it be construed to, prohibit the City from challenging a project approved by the County on the grounds that the project fails to comply with the California Environment Quality Act, or other laws.

5.3 If the County adopts the jointly developed Freeway Action Plan, then, and only then, shall Sections 5.3.1 through 5.3.6 become operative. As used in this Agreement, "adopts the jointly developed Freeway Action Plan" shall mean the County adopts a resolution approving the Freeway Action Plan. The County is not required to adopt or otherwise implement the specific measures described in the Freeway Action Plan in order to obtain the benefits conferred by Sections 5.3.1 through 5.3.6.

5.3.1 Within twenty (20) days after the County adopts the jointly developed Freeway Action Plan, the City shall file with the Court a request for dismissal, with prejudice, of the Litigation.

5.3.2 Each party shall bear its own attorney fees and expenses in the Litigation.

5.3.3 In consideration of the promises of the parties specified in this Agreement and the satisfaction of the conditions for settlement, the parties shall fully and forever release, acquit, and discharge each other, their officers, elected officials, attorneys, sureties, agents, servants, representatives, employees, subsidiaries, affiliates, partners, predecessors, successors-in-interest, assigns, and all persons acting by, through, under or in concert with them of and from any and all past, present, or future claims, demands, obligations, actions, causes of action, including those for damages, injunctive or declaratory relief, or for relief by way of writ of mandate, for costs, losses of service, expenses, liability, suits, and compensation of any nature whatsoever, whether based on tort, contract, or other theory of recovery, known or unknown, that they now have, have had, asserted or could have asserted in the Litigation or otherwise relate to the alleged actions or inactions of the County with respect to the Litigation. Nothing contained

herein shall relieve any party hereto of its continuing obligations imposed by law or by the provisions of this Agreement, including, without limitation, the Judgment in the case of *Endangered Habitats League v. County of Riverside (Domenigoni-Barton Properties)*, Riverside County Superior Court Case No. RIC 369801, consolidated with *City of Temecula v. County of Riverside (Domenigoni-Barton Properties)* Riverside County Superior Court Case No. RIC 369989.

5.3.4 The parties hereto acknowledge that they are familiar with Section 1542 of the California Civil Code which provides:

“A general release does not extend to claims which a creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor.”

The parties being aware of the aforesaid code section, each hereby expressly waives any rights they might have hereunder. This release shall not operate to release any claims the parties may later have for the enforcement of the obligations created by this Agreement.

5.3.5 The City warrants and represents to the County that it has not assigned, conveyed or otherwise transferred any of its rights to the claims described in or arising out of the Litigation to any other person, entity, firm or corporation not a party to this Agreement, in any manner, including by way of subrogation or operation of law or otherwise. In the event that any claim, demand or suit is made or instituted against the County because City made an actual assignment or transfer, City agrees to indemnify and hold the County harmless against such claim, and to pay and satisfy any such claim, including necessary expenses of investigation, reasonable attorneys' fees and costs.

5.3.6 The County warrants and represents to the City that the execution and delivery of this Agreement by County will not (i) violate any judgment, order, injunction, decree, regulation or ruling of any court or governmental entity or (ii) conflict with, result in a breach of, or constitute a default under any material agreement or instrument to which the County is a party or by which the County may be bound.

ARTICLE 6

MISCELLANEOUS

6.1 This Agreement contains the complete expression of the whole agreement between the parties hereto, and there are no promises, representations, agreements, warranties or inducements, either expressed verbally or implied, except as are fully set forth herein. This Agreement cannot be enlarged, modified, or changed in any respect except by written agreement between the parties.

6.2 Each and all of the covenants, conditions and restrictions in this Agreement shall

inure to the benefit of and shall be binding upon the parties, their successors-in-interest, agents, representatives, assignees, transferees.

6.3 No person or entity shall be deemed to be a third party beneficiary hereof, and nothing in this Agreement (either expressed or implied) is intended nor shall it be construed to confer upon any person or entity, other than the City and the County, any rights, remedies, obligations or liabilities under or by reason of this Agreement.

6.4 In entering into this Agreement, the parties represent that they have relied upon the legal advice of their attorneys, who are the attorneys of their own choice, and that these terms are fully undertaken and voluntarily accepted by them. The parties further represent that they have no question with regard to the legal import of any term, word, phrase, or portion of this Agreement, or the Agreement in its entirety, and accept the terms of this Agreement as written.

6.5 The parties hereto represent and warrant to each other that they have full authority to execute this Agreement.

6.6 The headings employed to identify the provisions contained herein are solely for the convenience of the parties to this Agreement. If any ambiguity appears in either the headings or the provisions attendant thereto, such ambiguity shall not be construed against any party to this Agreement on the grounds that such party drafted this Agreement.

6.7 Except as otherwise expressly provided by law, any and all notices or other communications required or permitted by this Agreement or by law to be served on or given to either party to this Agreement by the other party shall be in writing and shall be deemed duly served and given when personally delivered to the party to whom it is directed or to any officer of that party, or, in lieu of personal service, on the third business day following deposit in the United States mail, certified, postage prepaid, addressed to:

County of Riverside
County Administrative Center
4080 Lemon Street
Riverside, California 92501
Attention: Transportation Land Management Agency Director

City of Temecula
Post Office Box 9033
43200 Business Park Drive
Temecula, California 92589-9033
Attention: City Manager

6.8 If any litigation is commenced between the parties to this Agreement concerning the rights and duties of either in relation to this Agreement, the prevailing party shall be entitled to, in addition to any other relief that may be granted in the litigation, reasonable attorneys fees as determined by the court presiding over the dispute.

6.9 The following Exhibits to this Agreement are incorporated herein as though set forth in full:


Exhibit A	I-215 Policy Area
Exhibit B	Major Arterial Roads
Exhibit C	Priority Phasing Program
Exhibit D	Western Riverside County Area
Exhibit E	Assumptions of Build-Out of I-215 Policy Area

6.10 This Agreement may be executed in counterparts, each of which shall be deemed to be an original and all of which together shall constitute one and the same instrument.

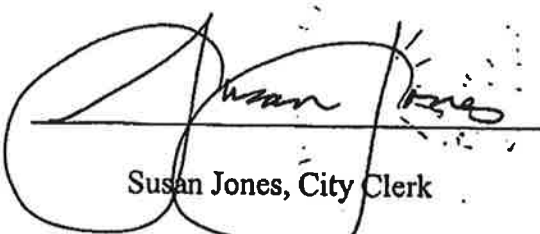
6.11 The effective date of this Agreement is the date the parties sign the Agreement. If the parties sign the Agreement on more than one date, then the last date the Agreement is signed by a party shall be the effective date.


IN WITNESS WHEREOF, the undersigned have executed this Agreement in the State of California.

CITY OF TEMECULA

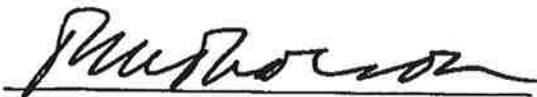

Mike Naggar
Mayor Pro Tempore

Attest:

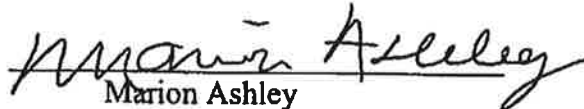

Susan Jones, City Clerk





Approved as to Form


Peter M. Thorson
City Attorney

COUNTY OF RIVERSIDE


Marion Ashley
Chairman, Board of Supervisors

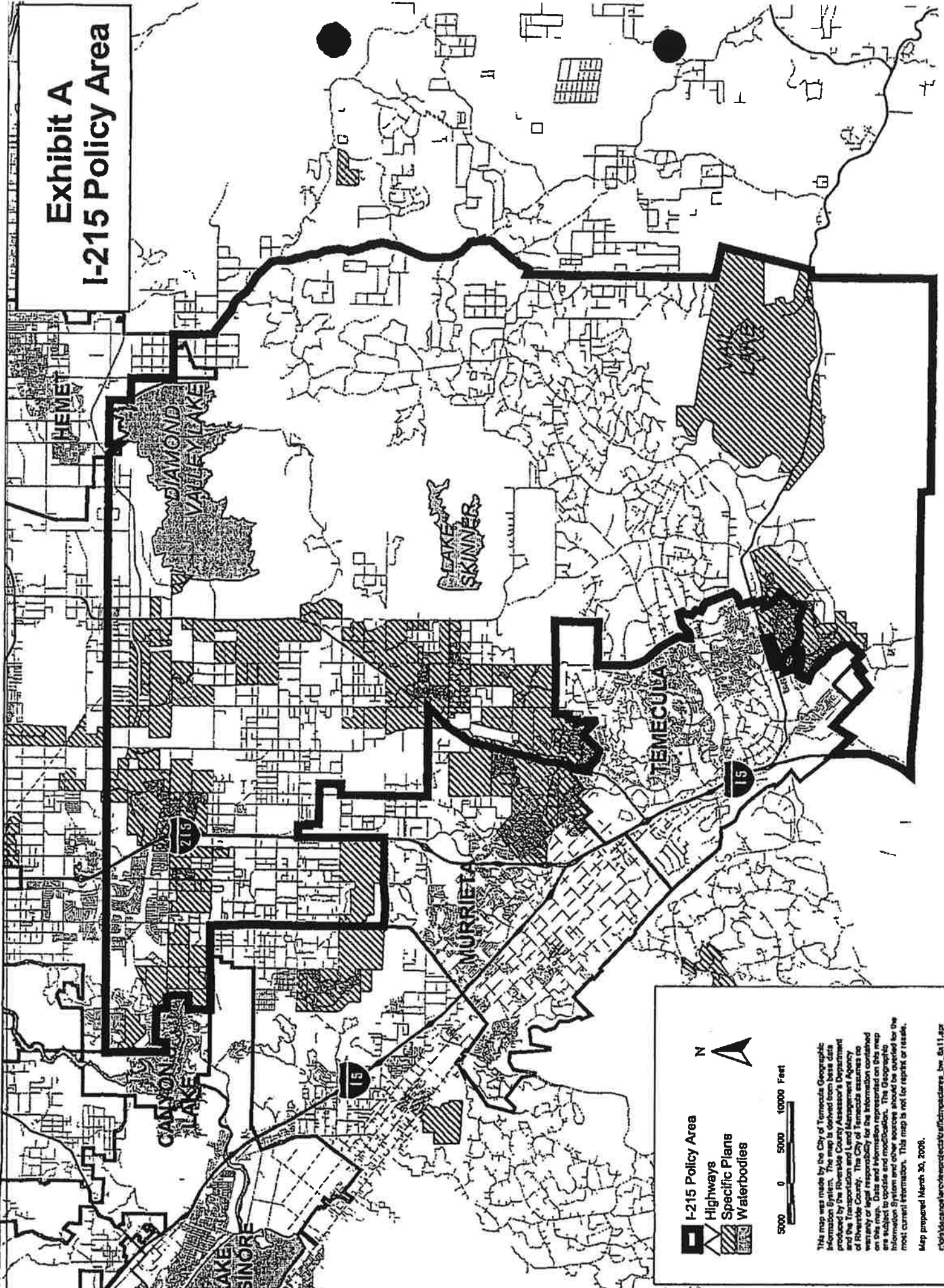
Attest:
Nancy Romero, Clerk to Board of Supervisors


By: 
Deputy Clerk

Approved as to Form
William C. Katzenstein, County Counsel

By: 
Katherine Lind
Deputy County Counsel

Exhibit A I-215 Policy Area



- I-215 Policy Area
- Highways
- Specific Plans
- Waterbodies

5000 0 5000 10000 Feet



This map was made by the City of Temecula Geographic Information System. The map is derived from base data produced by the Riverside County Assessor's Department and the Transportation and Land Management Agency of Riverside County. The City of Temecula assumes no warranty or legal responsibility for the information contained on this map. Date and information represented on this map are subject to updates and corrections. The City of Temecula and other agencies shall not be held liable for the most current information. This map is not for reprint or resale.

Map prepared March 30, 2006.

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EXHIBIT "B"

MAJOR ARTERIAL ROADS

Newport Road, including Interchange at I-215 and roadway improvements from Goetz Road to Winchester Road (SR 79S).

Scott Road, including Interchange at I-215 and roadway improvements from I-15 to Winchester Road (SR 79N).

Clinton Keith Road, including Interchange at I-15 and roadway improvements from I-15 to Winchester Road (SR 79N).

Winchester Road Phase I, from Murrieta Hot Springs Road to Domenigoni Parkway to 4 lanes.

Winchester Road Phase II, 4 to 6 lanes.

Winchester Road Phase III, 6 to 8 lanes.

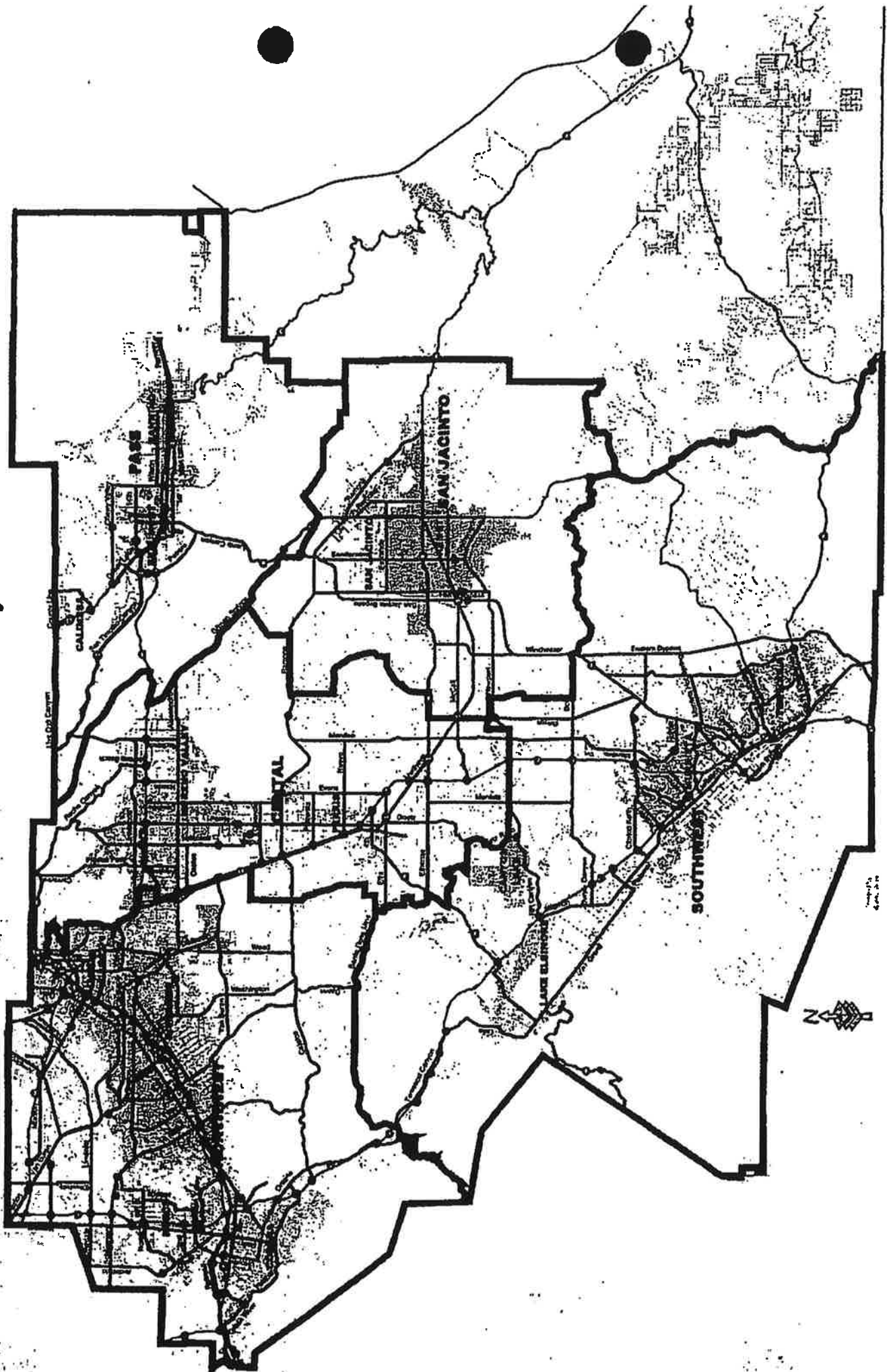
Exhibit "C"

Southwest Riverside County Transportation Strategic Plan

Priority	Anticipated Permits 2,000 du's/yr	Estimated Year of Completion	Transportation Improvement	Cost of Improvement (\$Millions)		Funding Sources
				Highway	Interchange Total	
1		2009	Newport Road, including Interchange at I-215 and roadway improvements from I-215 to Winchester Road (SR 79S). Scott Road, including Interchange at I-215 and roadway improvements from I-15 to Winchester Road (SR 79N). Clinton Keith Road, including Interchange at I-15 and roadway improvements from I-15 to Winchester Road (SR 79N). Winchester Road Phase I, from Murrieta Hot Springs Road to Domenigoni Parkway to 4 lanes.	19.8	14.5	CFD Formed
				27.9	14.0	Proposed CFD
				32.6	13.0	Proposed CFD
2		2012	French Valley Interchange at I-15, including 6 lanes from I-15 to Winchester Road (SR 79N).	38.6	100.0	Proposed CFD Measure A, TUMF
3		2015	Eastern By-Pass, construct 4 lanes to a new interchange on the I-15 south of SR 79S.	111.2	29.0	TUMF, Measure A, CFD Proposed
4		2012	Freeway Widening Phase IA, I-215, 4 to 6 lanes, CETAP Corridor		250	Measure A, State, FED
5		2016	Winchester Road Phase II, 4 to 6 lanes.	70		Measure A, TUMF
6		2025	Winchester Road Phase III, 6 to 8 lanes.	100		Measure A, TUMF
7		2020	Freeway Widening Phase IB, I-15, 8 to 10 lanes	200		Measure A, State, FED
8		2025	Freeway Widening Phase II, I-215 from 6 to 8 lanes, I-15, from 10 to 12 lanes	400		Measure A, State, FED
9		2030	Freeway Widening Phase III, I-215 from 8 to 10 lanes, I-15, from 12 to 14 lanes	TBD		

Note: The Freeway Widening Projects will be refined with the completion of the Freeway Strategic Study and Implementation Plan

Exhibit "D" Western Riverside County Area



0 1 2 4 6 8
Miles
Copyright © 1994
MapSource, Inc.

Exhibit "E"
Assumptions of Build-out of I-215 Policy Area

Dwelling Units	Study Area Outside CFDs	CFDs	Total (County Study Area)
Areas in Acres	78,314 (72% of Area)	31,003 (28% of Area)	109,317
Build-Out	72,066 (64% of Units)	39,934 (36% of Units)	112,000
Built Units (Includes un-Built Recorded and Large Lots for CFDs)	19,929 (71% of Built Units)	8,185 (29% of Built Units)	28,114
Units Remaining to be Built	52,137 (62% of Remaining Units)	31,749 (38% of Remaining Units)	83,886

County unincorporated area

Exhibit B:

**First Amendment to the Cooperative Agreement Between the City of Temecula and the
County of Riverside to Mitigate Traffic Impacts in Western Riverside County**

**AMENDMENT NO. 1
TO THE
COOPERATIVE AGREEMENT BETWEEN THE CITY OF
TEMECULA AND THE COUNTY OF RIVERSIDE TO
MITIGATE TRAFFIC IMPACTS IN WESTERN
RIVERSIDE COUNTY**

This Amendment is made and entered into as of November 14, 2007^b by and between the City of Temecula, a municipal corporation ("City"), and the County of Riverside ("County"), a public subdivision of the State of California ("County").

ARTICLE 1

RECITALS

This Agreement is made for the following purposes and with respect to the following facts, which the City and County agree to be true and correct:

On April 12, 2005, the City and the County of Riverside entered an agreement entitled: "COOPERATIVE AGREEMENT BETWEEN THE CITY OF TEMECULA AND THE COUNTY OF RIVERSIDE TO MITIGATE TRAFFIC IMPACTS IN WESTERN RIVERSIDE COUNTY" ("COOPERATIVE AGREEMENT").

The COOPERATIVE AGREEMENT calls, among other things, for the City and the County to implement certain measures to mitigate the impact of new housing development on City and County arterial roads and highways within the boundaries of the I-215 Policy Area. ("The Measures").

The Measures call for the County to condition all County Land Use Applications authorizing the construction of residential dwelling units to be part of an appropriately funded financing mechanism (such as a Community Facilities District - CFD) that will build the major arterial road components identified in the COOPERATIVE AGREEMENT.

The County has been imposing conditions of approval that implement the requirements of the COOPERATIVE AGREEMENT.

Now that the City and the County have been implementing the terms of the COOPERATIVE AGREEMENT for over a year, they have identified modifications to the COOPERATIVE AGREEMENT that will facilitate implementation and enhance the timely delivery of transportation infrastructure.

In light of the above, the City and the County hereby wish to amend the COOPERATIVE AGREEMENT as follows:

ARTICLE 2

COOPERATIVE AGREEMENT AMENDMENTS

Section 1. Exhibit A to the COOPERATIVE AGREEMENT, referenced in Section 1.8 thereof, is amended as shown in "Revised Exhibit A", which is attached hereto and incorporated herein by this reference. Revised Exhibit A modifies the boundaries of the original I-215 Policy Area to include the following sub-areas:

- Newport Road/I-215 Interchange CFD – Sub-area A
- Scott Road/I-215 Interchange CFD – Sub-area B
- Clinton Keith Road Extension CFD – Sub-area C
- Washington Street Construction – Sub-area D
- Clinton Keith Road Extension Fee Payment – Sub-area E
- Newport Road Extension CFD – Sub-area F
- Newport Road Realignment CFD – Sub-area G

The County shall use these sub-areas as a guideline in determining how County Land Use Applications should be conditioned.

Section 2. Section 1.9.9 of the COOPERATIVE AGREEMENT is amended to read as follows:

"1.9.9 'County Land Use Applications' is defined in Section 2.3.3 and shall mean any applications on which the County Planning Commission has not taken final action as of the effective date of this Agreement, the approval of which would authorize, or conditionally authorize, the construction of dwelling units within the I-215 Policy Area, including, but not limited to, applications for General Plan amendments, specific plans, specific plan amendments, zone changes, development agreements, subdivision maps and planned development permits. County Land Use Applications shall not include any applications for parcel maps that would result in the creation of four or fewer parcels, provided that the parcels created could not be further subdivided without a General Plan amendment. County Land Use Applications shall also not include any applications for minor changes to approved tentative tract maps that would add only one residential unit to the maps."

Section 3. Section 2.3.3 of the COOPERATIVE AGREEMENT is amended to read as follows:

"2.3.3 As used in this Agreement, County Land Use Applications shall mean any applications on which the County Planning Commission has not taken final action as of the effective date of this Agreement, the approval of which would authorize, or conditionally authorize, the construction of dwelling units within the I-215 Policy Area, including, but not limited to, applications for General Plan amendments, specific plans, specific plan amendments, zone changes, development agreements, subdivision maps and planned development permits. County Land Use Applications shall not include any applications for parcel maps that would result in the creation of four or fewer parcels, provided that the parcels created could not be further subdivided without a General Plan amendment. County Land Use Applications shall also not include any applications for minor changes to approved tentative tract maps that would add only one residential unit to the maps."

Section 4. A new Section 1.9.19 is added to the COOPERATIVE AGREEMENT to read as follows:

“1.9.19 ‘Subdivision map extension application’ shall mean an application to extend the time available to record a final map.”

Section 5. A new Section 1.9.20 is added to the COOPERATIVE AGREEMENT to read as follows:

“1.9.20 ‘TUMF’ shall mean the Transportation Uniform Mitigation Fee adopted by the Western Riverside Council of Governments and its member jurisdictions (including the City and the County), as subsequently amended.”

Section 6. Existing Section 1.9.19 is renumbered Section 1.9.21.

Section 7. A new Section 2.2.1 is added to the COOPERATIVE AGREEMENT to read as follows:

“2.2.1 To facilitate the formation of financing mechanisms, the County has implemented Section 2.2 of the COOPERATIVE AGREEMENT such that subdivision maps are required to comply therewith prior to recordation of a final map. Notwithstanding the County’s implementation procedure, the City and County recognize that certain subdivision maps were tentatively approved prior to adoption of the COOPERATIVE AGREEMENT, but have not recorded for a variety of reasons. Recognizing that substantial time and money have been invested in these maps and that their recordation may be further delayed by the requirements of the COOPERATIVE AGREEMENT as implemented by the County, the County has developed the alternative procedure set forth in Section 2.2.2 that will allow these maps to record while still securing the funding necessary for the needed transportation improvements.”

Section 8. A new Section 2.2.2 is added to the COOPERATIVE AGREEMENT to read as follows:

“2.2.2 In considering a subdivision map extension application for any map tentatively approved prior to the effective date of the COOPERATIVE AGREEMENT (April 12, 2005), the County may, at the request of the subdivider, conditionally approve the application to require the subdivider to pay (a) the applicable TUMF at the earliest date allowed by the TUMF Ordinance and (b) an early recordation fee, which shall be 50% of the TUMF in effect at the time of recordation. The County shall earmark the early recordation fee for use only on the major arterial road that most benefits the subdivision, as determined by the County. This alternative procedure is purely voluntary and any subdivider choosing not to request it shall be subject to all other terms of the COOPERATIVE AGREEMENT as implemented by the County.”

Section 9. Section 5.2 of the COOPERATIVE AGREEMENT is amended to read as follows:

“5.2 The City shall have the right to refile the Litigation, subject to the provisions of Sections 5.2.1 through 5.2.6, inclusive, in the event that: (1) the County

does not, within four (4) months of the effective date of Amendment No. 1 to the COOPERATIVE AGREEMENT, complete the staff work required for the County General Plan Amendment, including necessary environmental documentation, and set a public hearing date before the Planning Commission; (2) the County does not, for any reason, adopt the County General Plan Amendment within eight (8) months of the effective date of Amendment No. 1 to the COOPERATIVE AGREEMENT; or (3) the County does not adopt the jointly developed Freeway Action Plan described in Section 4.4 within one (1) year after completion of the Freeway Strategic Study described in Section 4.2.”

ARTICLE 3

MISCELLANEOUS

The parties hereto represent and warrant to each other that they have full authority to execute this Agreement.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original and all of which together shall constitute one and the same instrument.

The effective date of this Agreement is the date the parties sign the Agreement. If the parties sign the Agreement on more than one date, then the last date the Agreement is signed by a party shall be the effective date.

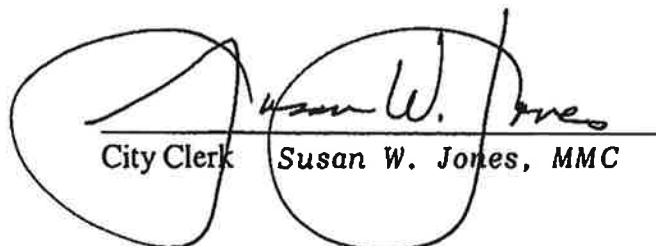
IN WITNESS WHEREOF, the undersigned have executed this Agreement in the State of California.

CITY OF TEMECULA



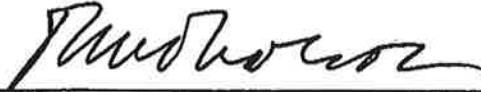
Mayor Ron Roberts

Attest:



City Clerk Susan W. Jones, MMC

Approved as to Form



City Attorney *Peter M. Thorson*

COUNTY OF RIVERSIDE




JOHN TAVAGLIONE
CHAIRMAN, BOARD OF SUPERVISORS

Attest:

Nancy Romero, Clerk of the Board of Supervisors

By: 
Deputy Clerk

Approved as to Form
Joe Rank, County Counsel

By: 
Katherine A. Lind
Principal Deputy County Counsel

REVISED EXHIBIT A

I-215 Policy Area

PRINTED August 3, 2006

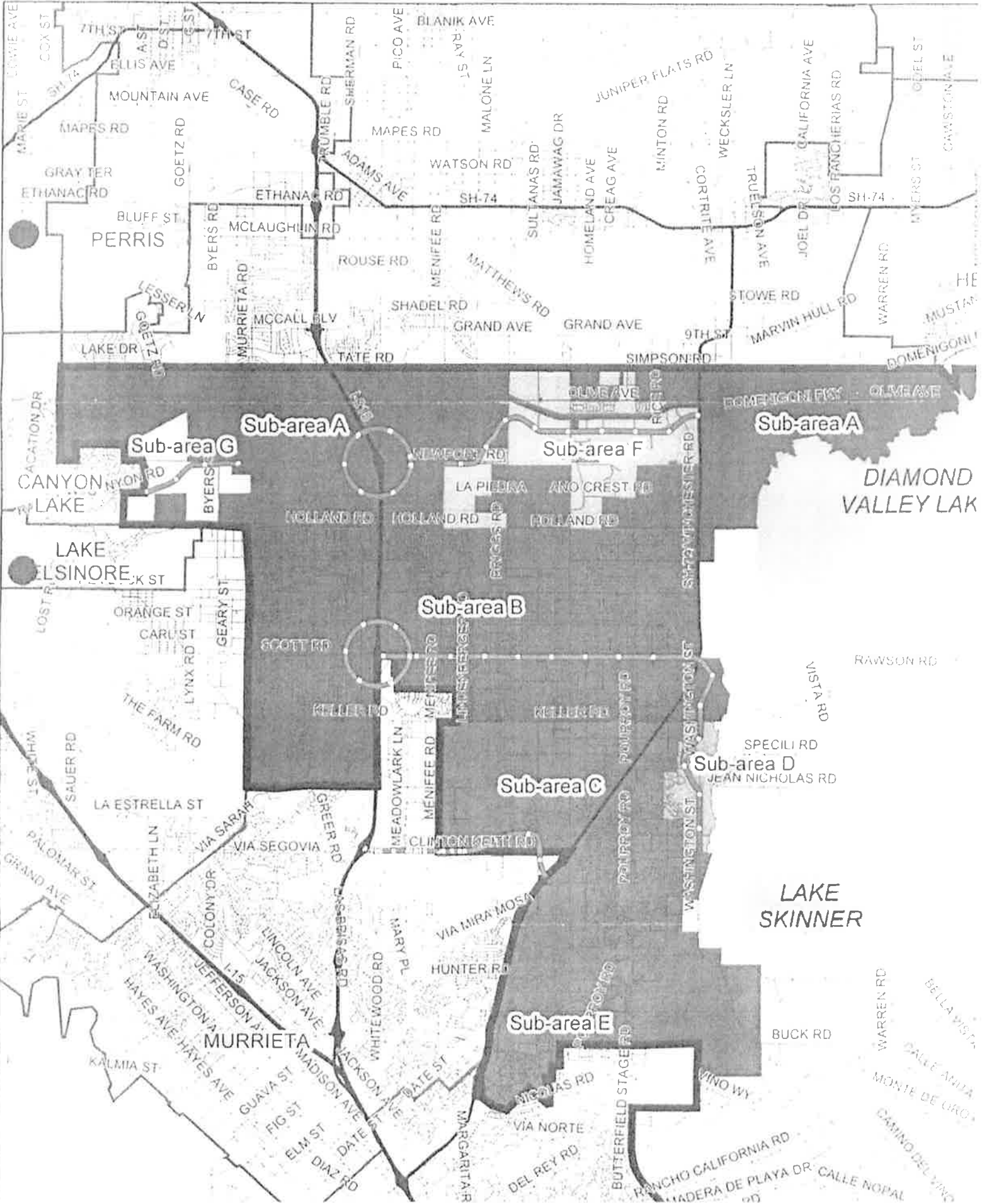


Exhibit C:

**Settlement Agreement among NNP_Spencer's Crossing, LLC, The City of Temecula, and the
County of Riverside**

SETTLEMENT AGREEMENT

This Settlement Agreement is entered into by and among NNP-Spencer's Crossing, LLC ("Developer"), the City of Temecula ("City"), and the County of Riverside ("County") effective as of January 14, 2003.

RECITALS

- A. On July 6, 2001, the City of Temecula filed a Petition for Writ of Mandate against the County of Riverside ("County"), as Case No. 360766 (the "Lawsuit"), contesting the County's certification of Final EIR No. 411 (the "EIR") and adoption of (1) Resolution No. 2001-135 approving *inter alia* General Plan Amendment No. 472, (2) Resolution No. 2001-111 approving Specific Plan No. 312 (French Valley), and (3) Ordinance No. 348.3996 approving Zone Change No. 6383 (collectively the "Approvals"). The Approvals authorize development of the real property depicted on Exhibit A hereto ("French Valley") with 1,793 residential dwelling units and 1.7 acres of commercial uses. Developer is the successor in interest to the original applicant for the Approvals (Tucalotta Hills Associates and French Valley Association) and is now fee owner of French Valley and a real party in interest in the Lawsuit.
- B. The City contends, *inter alia*, that the County violated CEQA and the Planning and Zoning Law in connection with the Approvals and that the significant adverse traffic impacts of the Approvals must be mitigated by the construction of roadway construction and improvements identified in the EIR. Developer and County dispute the City's claims, but Developer recognizes that certain roadway improvements are necessary to provide adequate circulation to the development of the 1,793 residential dwelling units allowed in French Valley by the Approvals.
- C. As directed by the California Environmental Quality Act, City and Landowner have met to discuss the issues raised in the Lawsuit, and explore potential for settlement of those issues.
- D. Through settlement discussions, the City expressed concerns that French Valley will develop without the completion of improvements to Clinton Keith Road connecting SR 79 to I-215 ("Clinton Keith Road"). Without the completion of Clinton Keith Road, traffic from unincorporated areas in the County north of the City will adversely burden SR 79 (Winchester Road) through the City to I-15. At the same time, Developer recognizes that Clinton Keith Road is needed to provide an adequate circulation system to serve the French Valley development.
- E. Clinton Keith Road is an important regional circulation system improvement with or without development of French Valley. Finding a way to cause Clinton Keith Road to be built expeditiously is a transcendent goal for the City and French Valley.
- F. Successfully designing, funding, constructing and opening Clinton Keith Road requires dedicated and determined participation by motivated property owners, and support by governmental entities, including the City, the County, and the City of Murrieta. Developer has

taken the lead in pursuing private landowner and political support for Clinton Keith Road, and is best situated to provide the continued private landowner leadership required to successfully complete Clinton Keith Road.

G. The cost of designing and constructing Clinton Keith Road is such that it cannot be privately funded and completed, even in substantial part, prior to any development proceeding. Revenues from development are a critical element of successfully funding Clinton Keith Road. However, City believes development should be linked in phase with discrete milestone events in the accomplishment of Clinton Keith Road, so that development is at least coincident with reasonable certainty of the completion of Clinton Keith Road on a reasonable timetable.

H. The more private and public funds invested in completing Clinton Keith Road, the more likely it is that Clinton Keith Road will be built.

I. As a result of the settlement discussions between City and Developer, and in light of the foregoing recitals, the parties have agreed upon a schedule of milestone events and corresponding residential unit phasing plan, which will avoid the necessity of bringing the Lawsuit to a hearing, and instead result in its dismissal. Accordingly, the parties now wish to resolve the dispute embodied in the Lawsuit without further litigation and without admission of the merits of the contentions of any party by any other party on the terms set forth below.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises and agreements contained herein, and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, it is agreed as follows:

1. Unit Phasing with Circulation System Improvements. In consideration for City's dismissal of the Lawsuit with prejudice, Developer agrees that it will phase residential unit development in French Valley in accordance with the milestone schedule attached hereto as Exhibit B. As depicted on Exhibit B, as each milestone event or set of events is satisfied, building permits may be issued for one hundred (100) dwelling units. The parties understand that while the milestone events are identified on Exhibit B in the order it is anticipated they will occur, the order in which they are listed on Exhibit B is not material to this Agreement; provided, however, that building permits for (1) the first 100 units will not be issued until a park and ride facility is completed as described in milestone "A," and (2) not more than 500 units will be released prior to accomplishment of milestone "F": securing funding for Clinton Keith Road. "Clinton Keith Road" as used in this Agreement means a road with a minimum of four traffic lanes between the French Valley Project and I-215 and the improvements, or interim improvements, to the I-215 and Clinton Keith Interchange necessary to accommodate traffic from the French Valley Project. The park and ride described in milestone "A" shall be open and available to the public and maintained by Developer, its successors, or by an assignee of Developer approved by the City, which approval shall not be unreasonably withheld provided the assignee is capable of maintaining the facility. ✓

2. French Valley Development Agreement. In order to justify the up-front costs Developer will be incurring for Clinton Keith Road and other improvements and the risks inherent in the Exhibit B phasing program and milestone schedule, and to implement the Exhibit B phasing program and milestone schedule, Developer will apply to the County for approval of a Development Agreement for French Valley that will incorporate the Exhibit B phasing program and milestone schedule as a project requirement, and provide a process for verifying the accomplishment of each milestone event(s). City agrees to support Developer's application for such a development agreement so long as the development agreement contains the phasing plan described in Exhibit B to this Agreement, provides a reasonable method for monitoring development and determination of accomplishment of the milestones, and does not increase overall the density and intensity of development in French Valley allowed by the Approvals. The County shall use its best efforts to expeditiously process and consider approval of the development agreement. The portion of the development agreement conditioning the issuance of building permits on the accomplishment of the milestones described in Exhibit B of this Agreement shall be enforceable by the City against the County, Developer and then-current owners of the affected portions of French Valley. In the event the County declines to approve the Development Agreement application, or attaches conditions to the Development Agreement that are unacceptable to Developer, Developer agrees that it will nonetheless provide evidence reasonably satisfactory to City of the accomplishment of each milestone event or package of events prior to obtaining the corresponding allocation of building permits, and that any dispute concerning the accomplishment of one or more milestone events shall be subject to non-binding, expedited arbitration by a mutually acceptable member of JAMS.

3. Continued Support for Clinton Keith Road/French Valley Development. City agrees that so long as the overall intensity and density of development of French Valley is not greater than as allowed pursuant to the Approvals, and is phased in accordance with this Agreement, City shall not oppose future development of French Valley. City agrees to support County's expedited processing of Clinton Keith Road as an important regional circulation system improvement, and in so doing to use reasonable efforts to enlist the support of the City of Murrieta for improvements to Clinton Keith Road within its jurisdiction.

4. Dismissal, Release and Enforcement. Concurrently with the execution of this Agreement, City agrees to execute for filing and file a dismissal of the Lawsuit with prejudice. Upon execution of this agreement and dismissal of the lawsuit, City shall have the right to enforce the terms and provisions of this Agreement against French Valley as contractual obligations of the Developer. Developer agrees to advise any subsequent buyer of all or any portion of French Valley of the existence and obligations of this Agreement, which obligation will be satisfied upon execution and recordation of a Development Agreement as provided in Paragraph 2 above. In the event Developer applies for approval of a subdivision map for all or any portion of French Valley prior to County action on the Development Agreement, or thereafter if no Development Agreement is executed and recorded for French Valley, Developer shall immediately notify the City of the filing of the application for the subdivision map, and Developer and County agree that the subdivision map shall be conditioned to comply with the milestones and phasing established by Exhibit B to this Agreement, and shall recite that the condition shall be enforceable by the City as a contractual right flowing from the settlement of the Lawsuit. County will place a copy of this Agreement in the Specific Plan file for French Valley.

swj
[Signature]

5. General Provisions.

- a. If any dispute arises out of or concerning this Settlement Agreement and/or the Mutual Release, the prevailing party shall be entitled to recover, in addition to any damages and/or equitable relief, its reasonable attorneys fees in that dispute.
- b. This Agreement and the exhibits hereto contain the entire agreement and understanding between the parties concerning the subject matter of this settlement and supersede and replace all prior negotiations, proposed agreements and agreements, written or oral.
- c. This Agreement and the exhibits hereto may be amended or modified only by a written instrument signed by all parties or their successors in interest.
- d. This Agreement and the exhibits hereto shall be interpreted, enforced and governed by the laws of the State of California.
- e. This Agreement and the exhibits hereto shall be construed as if the parties jointly prepared them and any uncertainty or ambiguity shall not be interpreted against any one party.
- f. If any provision of this Agreement or the exhibits hereto shall be deemed unenforceable for any reason, the remaining provisions will be given full force and effect.
- g. This Agreement and the exhibits hereto may be executed in counterparts which when taken together constitute the entire agreement among the parties hereto.
- h. The person(s) signing this Agreement on behalf of any specified party represents that he or she has full authority to execute this Agreement on behalf of such party.
- i. This Agreement shall inure to the benefit of, and be binding upon, the heirs, successors in interest, and assignees of the respective parties. All heirs, successors and assignees shall be bound by the duties of the parties arising under this Agreement.
- j. In the event that Clinton Keith Road is significantly delayed, City and Developer agree to meet and confer in good faith on possible additional circulation system improvements that may be feasible, and provide similar congestion relief to City, as a potential substitute to the milestone events listed on Exhibit B.
- k. The waiver of any provision of this Agreement shall be invalid unless evidenced by a writing signed by the party to be charged therewith. The waiver of, or failure to enforce, any provision of this Agreement shall not be a waiver of any further breach of such provision or of any other provision hereof. The waiver by any party of the time for performing any act shall not be a waiver of the time for performing any other act or acts required under this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.


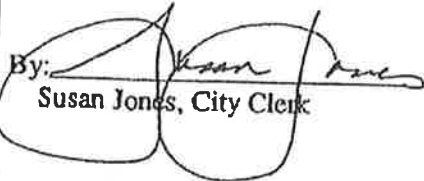



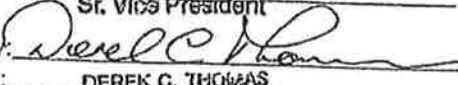
<p>"CITY" City of Temecula</p> <p>By: <u></u> Jeff Stone, Mayor</p> <p>ATTEST:</p> <p>By: <u></u> Susan Jones, City Clerk</p> <p>APPROVED AS TO FORM:</p> <p>By: <u></u> Peter Thorson, City Attorney</p>	<p>"COUNTY" County of Riverside</p> <p>By: _____</p> <p>ATTEST:</p> <p>By: _____</p> <p>APPROVED AS TO FORM:</p> <p>By: _____</p>
<p>"DEVELOPER" NNP-Spencer's Crossing, LLC  a Delaware limited liability company</p> <p>By: <u></u> Its: <u>LaDonna K. Monsees</u> Sr. Vice President</p> <p>By: <u></u> Its: <u>DEREK C. THOMAS</u> SR. VICE PRESIDENT</p>	



EXHIBIT A
DEPICTION OF FRENCH VALLEY

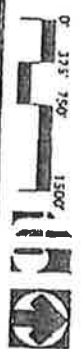
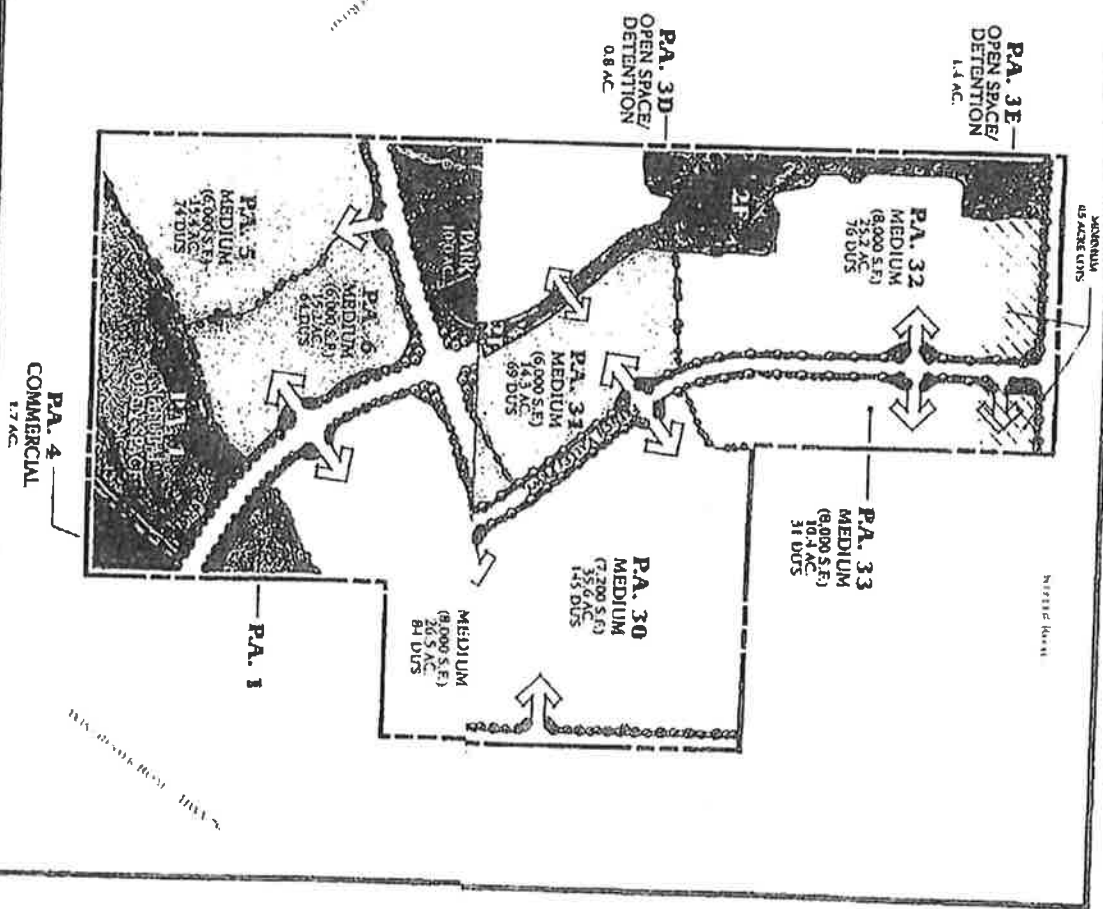
TUCALOTA HILLS ASSOCIATES LLC
 19800 MACARTHUR BLVD, SUITE 700
 IRVINE, CA 92612

French Valley

**FIGURE III.A-1
 SPECIFIC PLAN
 LAND USE PLAN**

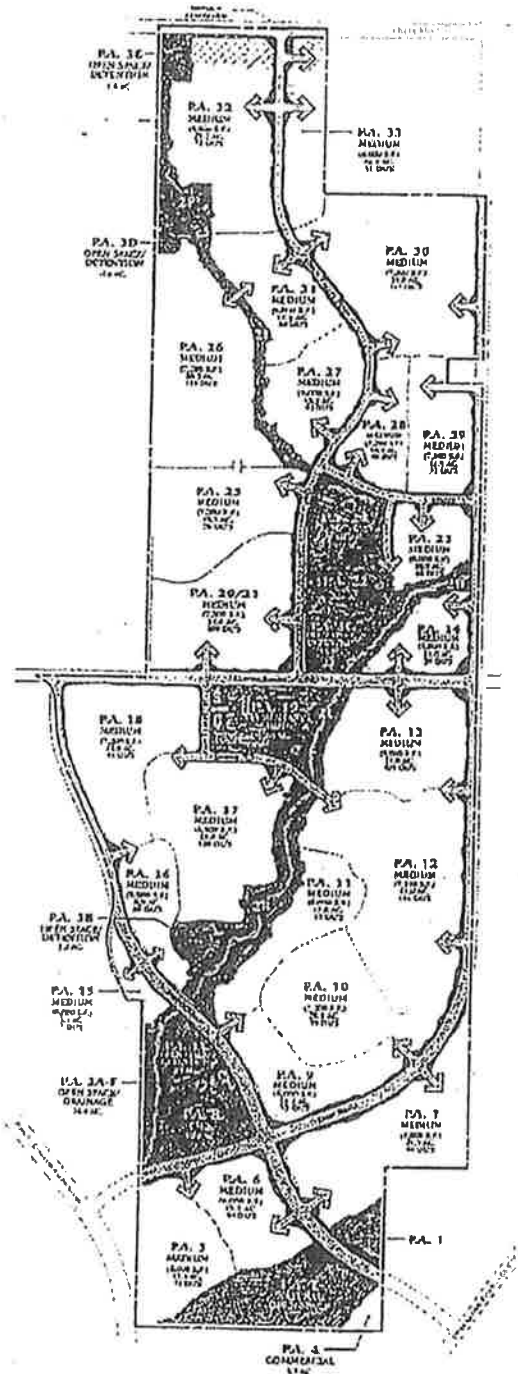
LAND USE SUMMARY

LAND USE	ACRES	DENSITY	DUS
Medium Residential - 6,000 s.f.	744	1.0	28
Medium Residential - 7,200 s.f.	2184	4.0	87
Medium Residential - 6,000 s.f.	1564	4.5	68
Residential Medium	443.4	4.0	1,703
Path	14.0	-	-
Open Space/Defention	11.2	-	-
Elementary School	20.0	-	-
Open Space/Expanded Pathways	64.1	-	-
Commercial	1.7	-	-
Major Road	41.3	-	-



LAND USE SUMMARY

LAND USE	ACRES	DENSITY	DU'S
Medium Residential - 8,000 s.f.	74.4	3.0	224
Medium Residential - 7,200 s.f.	218.4	4.0	871
Medium Residential - 6,000 s.f.	156.6	4.5	698
Residential Subtotal	449.4	4.0	1,793
Parks	16.0	-	-
Open Space/ Detention	13.3	-	-
Elementary Schools	20.0	-	-
Open Space/ Expanded Pathways	66.1	-	-
Commercial	1.7	-	-
Major Roads	11.3	-	-
Nonresidential Subtotal	158.4	-	-
Project Totals	607.8	3.3	1,793



LAND USE PLAN

French Valley

TUCALOTA HILLS ASSOCIATES LLC
 19800 MACARTHUR BLVD. SUITE 700
 IRVINE, CA 92612

FIGURE III.A-2



EXHIBIT B

CLINTON KEITH ROAD MILESTONE SCHEDULE

Building permits for 100 units will be released upon the accomplishment of each of the following milestone events for the completion of Clinton Keith Road ("CKR"). "Clinton Keith Road" as used in this Agreement means a road with a minimum of four traffic lanes between the French Valley Project and I-215 and the improvements, or interim improvements, to the I-215 and Clinton Keith Interchange necessary to accommodate traffic from the French Valley Project.

A. 100 units at:	<ul style="list-style-type: none"> • execution of an agreement for preliminary design and environmental clearances for CKR; and • approval by the Board of Supervisors of the expanded boundaries and the funding levels of the Southwest Area Road and Bridge Benefit District ("RBBD") for CKR
B. 100 units at:	<ul style="list-style-type: none"> • completion of a 250-space park-and-ride facility either on-site or off-site north of the Temecula City limits open and available for public use.
C. 100 units at:	<ul style="list-style-type: none"> • circulation to the public of the draft environmental document for CKR
D. 100 units at:	<ul style="list-style-type: none"> • execution of the "at Risk" final design contract for CKR
E. 100 units at:	<ul style="list-style-type: none"> • Certification of the final environmental document by lead agency pursuant to CEQA and, if applicable, NEPA for CKR; and • award of the CKR bridge structural design contract; and • identification of CKR right-of-way ("ROW") requirements (i.e., completion of 35% of CKR roadway design)
F. 100 units at:	<ul style="list-style-type: none"> • funds for the completion of CKR are available pursuant to the financing plan
G. 100 units at:	<ul style="list-style-type: none"> • finalization of ROW requirements and completion of ROW appraisals for CKR
H. 100 units at:	<ul style="list-style-type: none"> • 95% completion of the CKR roadway and bridge design • completion of ROW acquisition for CKR
I. 100 units at:	<ul style="list-style-type: none"> • completion of final roadway design, including final structural design of the CKR bridge; and • receipt of all environmental clearances; and • award of contracts for construction of CKR
J. Remaining units at:	CKR completed and open for public use



Response No. 22

Luke Watson, Deputy City Manager, City of Temecula

September 23, 2022

22-1 This comment serves as an introduction; the commentor expresses concerns regarding a lack of outreach related to the CEQA process and concerns with the Draft EIR and its failure as an information document. On April 18, 2019, a Notice of Preparation was mailed to the City of Temecula and on July 5th, 2022, a Notice of Availability, Notice of Completion, and a copy of draft documents were mailed to the City of Temecula, in the care of the Planning Department, at 41000 Main Street, Temecula, CA 92590. The City also received a notice regarding the project's public review extension, as well as a notification that the Draft Nexus Study was available for public review. The County will continue to notify the City of Temecula Planning Department with project updates using the abovementioned address.

In addition, the commentor cites an attempted termination of the 2005 "Cooperative Agreement between the City of Temecula and the County of Riverside to Mitigate Traffic Impacts in Western Riverside County" (Cooperative Agreement) by virtue of proposals in the Winchester Community Plan and Draft EIR. Specifically, the Cooperative Agreement calls for the County to mitigate the impact of new housing development on City and County arterial roads and highways within the I-215 Policy Area, stating that the proposed General Plan Amendment associated with the project amends the boundary, and therefore, purports to change and invalidate the Cooperative Agreement. Further, the commentor urges the County to cease further work on the proposed project until the County can consult with the City on the cooperative agreement. This comment does not identify a specific concern with the adequacy of the EIR or raise an issue or comment specifically related to the EIR's environmental analysis under CEQA. Therefore, no further response is warranted.

22-2 The commentor opines that there has been a failure of the County to fulfill its traffic analysis and traffic mitigation obligations under the Cooperative Agreement, and that the Cooperative Agreement was not taken into consideration during the analysis conducted in preparing the Draft EIR. Refer to Response 22-1.

22-3 This comment is a continuation of the commentor's discussion regarding the Cooperative Agreement, provides a background and history of the Cooperative Agreement, and cites sections from the Cooperative Agreement in which the County's obligation to develop transportation infrastructure prior to new housing development in Western Riverside County is discussed. Refer to Response 22-1.

22-4 This comment cites sections from the Cooperative Agreement which require the County to amend its General Plan to condition all Land Use Applications, including General Plan Amendments, to prohibit the issuance of building permits until such time as there is in place an appropriate formed and fully funded financing mechanism to build the Major Arterial roads described in the Cooperative Agreement. Refer to Response 22-1.



- 22-5 This comment is a continuation of the commentor’s discussion regarding the Cooperative Agreement and cites sections from the Cooperative Agreement in which the County’s obligation to coordinate with the Riverside County Transportation Commission (RCTC) in the preparation of both a Freeway Strategic Study and a Freeway Action Plan is discussed. Refer to Response 22-1.
- 22-6 The commentor incorrectly states there was a CEQA noticing failure and that none of the required CEQA notices for the project were received. The comment is duly noted; however, on April 18, 2019, a Notice of Preparation was mailed to the City of Temecula and on July 5th, 2022, a Notice of Availability, Notice of Completion, and a copy of draft documents were mailed to the City of Temecula, in the care of the Planning Department, at 41000 Main Street, Temecula, CA 92590. The City also received a notice regarding the project’s public review extension, as well as a notification that the Draft Nexus Study was available for public review. The County will continue to notify the City of Temecula Planning Department with project updates using the abovementioned address.
- 22-7 This comment cites several concerns regarding Draft EIR Section 1.0, *Executive Summary*, and Section 2.0, *Introduction*, including the following subsections:
- Project Objectives: The commenter expresses concern regarding the lack of specificity and relevancy of the project objectives and suggests adding “consolidating aging planning documents into a comprehensive and cohesive community plan” as an objective. The objectives identified were prepared in accordance with State CEQA Guidelines Section 15124(b), which requires a project description to include a statement of the objectives sought by the proposed project to help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives was prepared to identify the underlying purpose of the project and expected project benefits to the Community Plan area. The courts have determined a lead agency has broad discretion to formulate its own project objectives and general statements of vagueness from the City of Temecula does not negate that right. See *California Oak Foundation v. Regents of University of California* (2010) 188 Cal.App.4th 227.
 - Project Description: The commenter states the Project Description fails to mention the proposed Winchester Community Plan policies and to include the proposed land use and circulation plan. The land use plan associated with the proposed project is provided in Draft EIR Section 3.0, *Project Description*, on Exhibit 3-11, *Land Use Designation Changes*. This exhibit serves as the project’s land use plan and Draft EIR Table 3-1, *Proposed General Plan Land Use Changes*, represents the change between the existing Riverside County General Plan development potential and the project’s development potential, as analyzed in the Draft EIR. As such, the County affirms the Draft EIR has sufficiently described the project components in conformance with the provisions of State CEQA Guidelines Section 15124, *Project Description*.



There is no stand-alone circulation plan associated with the project because the project proposes to amend the County's General Plan Circulation Element by removing the existing Highway 79 Policy Area. As described on Draft EIR page 3-8, revisions to several policies within the Circulation Element are a part of the project in order to address the transition from LOS to VMT thresholds in environmental assessments such as the Draft EIR.

- Project Alternatives: The commenter states there is a lack of explanation for how the number of residents, dwelling units, and non-residential square footages were calculated for each alternative. The methodology for determining the number of residents, dwelling units, and non-residential square footages is provided in the discussions under each of the four Alternative subsections within Draft EIR Section 7.0, *Alternatives to the Proposed Project*. As stated on Draft EIR page 7-5, Alternative A: No Project Alternative, assumes the project area's land use, population, and employment growth projections at buildout in 2040, consistent with the existing General Plan. Specifically, the following assumptions were made for all four Alternatives, as discussed on Draft EIR pages 7-6, 7-13, 7-19, and 7-25, respectively:
 - Residential unit development intensity is per Riverside County General Plan EIR Appendix E-2 (Table E-3 and Table E-4).
 - Jobs are derived based on Institute for Transportation Engineers (ITE) Trip Generation Manual, 10th Edition employment factors.
 - Population is derived based on the average persons per household, as averaged for the four Area Plans within the Project area; see Riverside County General Plan EIR Appendix E-2, Table E-2: Average Household Size by Area Plan.

Furthermore, Draft EIR Section 7.0, *Alternatives to the Proposed Project*, describes the process undertaken by the County in order to decide which project alternative would be the most appropriate for the County, both environmentally and through its attainment of the project objectives. Ultimately, through the Alternatives Analysis process, the Winchester Community Plan project as proposed was determined to be the preferred project. As described on Draft EIR pages 7.0-3 and 7.0-4, the County used three criteria to determine if a proposed alternative would satisfy the project's objectives. An alternative was evaluated based on whether or not the alternative could meet the following:

- Ability to Achieve Project Objectives. In selecting alternatives to the project, the County, as Lead Agency, is to consider alternatives that could feasibly attain most of the basic project objectives and avoid or substantially lessen one or more of the significant impacts. For purposes of the alternatives analysis, each alternative herein assessed was evaluated to determine the extent to which it could attain the project's goals and objectives.
- Elimination/Reduction of Significant Impacts. The alternatives that were analyzed have been selected because they are anticipated to avoid and/or reduce one or more significant project impacts. The project's potentially significant



environmental impacts are evaluated in Draft EIR Sections 4.1 through 4.20. With implementation of existing laws, ordinances, regulations, and Mitigation Measures identified for each issue area, many of the potentially significant impacts resulting from project implementation would be reduced to less than significant.

- Feasibility. Each alternative was evaluated for its feasibility. Factors that were considered when determining the feasibility of the alternatives included site suitability, economic viability, availability of infrastructure, General Plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether proponents can reasonably acquire, control, or otherwise have access to the alternative site. Although these factors do not present a strict limit on the scope of reasonable alternatives to be considered, they help establish context in which “the rule of reason” is measured against when determining an appropriate range of alternatives sufficient to establish and foster meaningful public participation and informed decision-making.

Each alternative’s success at satisfying project objectives was then evaluated against the environmental impacts that would result from the alternative, in comparison to the project as proposed. The range of alternatives provided in the Draft EIR is governed by the “rule of reason,” as required by the State CEQA Guidelines Section 15126.6(f), which requires the EIR to set forth the alternatives “necessary to permit a reasoned choice.” Per the State CEQA Guidelines, the County reviewed those alternatives that could “feasibly attain most of the basic objectives of the project” and would “avoid or substantially lessen any of the significant effects of the project.” As supported by case law, the lead agency has the discretion to determine what, and how many, alternatives constitute a reasonable range of alternatives. As described in Draft EIR Section 7.0, *Alternatives to the Proposed Project*, the Environmentally Superior Alternative for the proposed Project was the Alternative A: No Project Alternative. However, it was determined that this alternative does not adequately address significant adverse effects to aesthetics, given the proposed project’s design guidelines, a beneficial impact, would not occur. Also, Alternative A would be environmentally inferior to the project concerning transportation, given it would generate greater VMT than the proposed project.

Additionally, it was determined that this alternative only meets two out of the five project objectives described previously. Through this process, it was determined that the project as proposed was the preferred project through its satisfaction of the project objectives while minimizing environmental impacts. Therefore, the analysis of alternatives, and the determination that the project as written is the preferred project, is pursuant to the requirements set forth by CEQA.

22-8 This comment cites several concerns regarding Draft EIR Section 3.0, *Project Description*, including the following:



- Page 3-1: The commenter opines the lack of stable, clear, and concise project description results in an inability to determine the actual proposed land use distribution. Refer to Response 21-3 and Response 22-7.
- Page 3-1: The commenter expresses confusion regarding the project title/nomenclature (why it is referred to as a “Community Plan” instead of an “Area Plan” like the other Area Plans). This comment does not identify a specific concern with the adequacy of the EIR or raise an issue or comment specifically related to the EIR’s environmental analysis under CEQA. Therefore, no further response is warranted.
- Page 3-1: a lack of discussion regarding the project’s relationship to overlapping existing planning documents and how they factor into the development associated with the project, including;
 - Southwest Area Plan
 - Harvest Valley/Winchester Area Plan
 - Highway 79 Policy Area
 - Interstate 15 Policy Area
 - Interstate 215 Policy Area
 - Winchester Policy Area
 - Winchester Land Use Study
 - Winchester Policy Area Design Guidelines
 - Riverside County Housing Element (2021-2029)
 - Caltrans Record of Decision – Highway 79 Realignment EIS
 - Cooperative Agreement and Settlement Agreement between the County of Riverside and the City of Temecula

A discussion regarding the project’s background and history within the context of most of the planning documents mentioned in the bullet list above is provided in Draft EIR Section 3.2, *Background and History*. It is also explained in Draft EIR Section 4.14, *Land Use and Planning*, that the proposed project is the result of several planning studies and public engagement that have taken place in recent years, including the Winchester Land Use Study, the recently adopted 6th Cycle Housing Element and the California Department of Transportation’s Record of Decision regarding the Highway 79 Realignment, with a specific analysis of the project’s relationship to the Riverside County Regional Housing Needs Allocation (RHNA) in Impact PHE-1 (see Draft EIR pages 4.14-8 through 4.14-9), in consideration that one of the project objectives is to fulfill a portion of the County’s 6th Cycle RHNA housing goals. In addition, the “Area Plan Amendments” subsection within Draft EIR Section 3.3, *Project Characteristics*, describes the proposed amendments to within the Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Menifee Valley Area Plan. The Interstate 15 Policy Area and Interstate 215 Policy Area are not relevant to the project’s environmental analysis and thus are not included in the Project Description.



- Page 3-1: The commenter reiterates that the Project Description excludes a proposed land use and circulation plan. Refer to Response 22-7.
- Page 3-2: The commenter expresses concern regarding the differing names used to refer to the project (i.e., “project site,” “project area,” and “PA”) and differing project boundaries on some of the exhibits. The comment regarding the project nomenclature does not identify a specific concern with the adequacy of the EIR or raise an issue or comment specifically related to the EIR’s environmental analysis under CEQA. Therefore, no further response is warranted. The County of Riverside affirms that the project boundaries depicted on the exhibits included in the Project Description are an accurate depiction of the project limits. It is noted that Draft EIR Exhibit 3-10, *Area Plan Amendments*, was updated to show that the project would only modify the boundaries of the Harvest Valley/Winchester Area Plan, Sun City/Menifee Valley Area Plan and Southwest Area Plan; refer to revised Draft EIR Exhibit 3-10, *Area Plan Amendments*. This correction is acknowledged and has been made to Draft EIR Exhibit 3-10, *Area Plan Amendments*, and is reflected in Final EIR [Section 4.0, *Draft EIR Text Revisions*](#). This change provides a minor update, correction, or clarification and does not represent “significant new information” as defined in State CEQA Guidelines Section 15088.5.
- Page 3-2: The commenter states that a clarification is needed of the acreage of agricultural/undeveloped lands in the project area. Within the project area, the change between the existing Riverside County General Plan development potential and the project’s development potential, as analyzed in the Programmatic EIR, is presented in Draft EIR Table 3-1, *Proposed General Plan Land Use Changes*. A complete discussion—including acreages—of agricultural lands within the project area is provided in Draft EIR Section 4.2, *Agriculture and Forestry Resources*; refer to Draft EIR pages 4.2-1 and 4.2-2.
- Page 3-4: The commenter opines that there is a lack of reasoning, i.e. why this massive change is proposed, for the substantial expansion of the project area acreage, and a lack of documentation of the requirements and timing for amending the surrounding Area Plans. Several important planning studies and actions have taken place in recent years that have facilitated the proposed project and provide the basis for why the project is currently being proposed; refer to Response 6-2.
- Page 3-4: The commenter opines that there is a lack of analysis of future zone changes as a result of foundation component changes and lack of explanation as to why the change is proposed (227 parcels/1,480 acres amendment from Rural and Rural Community to Community Development). Several important planning studies and actions have taken place in recent years that have facilitated the proposed project and provide the basis for why the project is currently being proposed; refer to Response 6-2.
- Page 3-4: The commenter opines that there is a lack of explanation, context, or justification for the elimination of the nine percent density reduction for residential projects and where the reduction came from. The commenter further states the nine



percent density reduction should be removed from the Draft EIR altogether because the Cooperative Agreement mandates the reduction. A detailed explanation of the history of the nine percent density reduction is included in the “Circulation Element Amendment” subsection of the Project Description; refer to Response 19-3. Since release of the Draft EIR, the project has been revised to remove the existing Highway 79 Policy Area. Highway 79 is a State highway and is an important north-south regional transportation link that runs through the project area and connects multiple jurisdictions both north and south of the project area. This policy area was established by the County in an effort to address transportation infrastructure capacity within the policy area. In 2003, when the County adopted the General Plan, the necessary roadway infrastructure for Highway 79 did not exist to accommodate the amount of growth that was slated for the corridor. Therefore, the Highway 79 Policy Area was added to the General Plan, placing a nine percent reduction on new residential developments within the affected area. This nine percent reduction is taken from the midpoint density of the underlying General Plan Land Use Designation.

- Page 3-5: The commenter opines that there is a lack of a description of the “administrative and implementation programs.” The County of Riverside affirms that the Project Description includes sufficient information to satisfy State CEQA Guidelines Section 15124 requirements. Additional information regarding the administrative and implementation programs tied to the project is not necessary for the County of Riverside to make an environmentally informed decision on the project. Further, CEQA discourages extensive detail beyond that needed for evaluation and review of the environmental impact; see State Guidelines Section 15124.
- Page 3-4: The commenter identifies a typo for the project acreage number, specifically, it states 23,153 acres of land instead of 23,143 acres of land. 23,143 acres of land is used throughout the Draft EIR document, and this is considered a typo. This correction is acknowledged and has been made to Draft EIR pages 3-4 and 3-11 and is reflected in Final EIR Section 4.0, *Draft EIR Text Revisions*.

Draft EIR Section 3.3, *Project Characteristics*, Page 3-4

Overall, the proposed general plan amendment (GPA No. 1207) would amend the Riverside County General Plan by:

1. Expansion of the existing Winchester Policy Area from approximately 287 acres to approximately 23,143 ~~23,153~~ acres of land within the General Plan’s Harvest Valley/Winchester Area Plan.



Draft EIR Section 3.6, *Discretionary Approvals*, Page 3-11

- Expansion of the existing Winchester Policy Area from approximately 287 acres to approximately 23,143 ~~23,153~~ acres of land within the General Plan's Harvest Valley/Winchester Area Plan.

This change provides a minor update, correction, or clarification and does not represent "significant new information" as defined in State CEQA Guidelines Section 15088.5.

- Page 3-6: The commenter opines clarification is needed of the data in Draft EIR Tables 3-1 and 3-2 and Exhibit 3-1 through 3-11, relative to acreage and General Plan Land Use Designation changes to surrounding Area Plans. They state that Table 3-1, *Proposed General Plan Land Use Changes*, lists the General Plan Foundation changes without reference to where the changes are located or with which of the four Area Plans the acreages are being exchanged. The commenter continues by stating that Table 3-2, *Project Development Potential*, does not quantify any of the underlying Area Plan land use acreage changes. The General Plan Land Use Designation changes proposed by the project are described on Draft EIR page 3-6, and the change between the existing Riverside County General Plan development potential and the project's development potential, as analyzed in the Draft EIR, is presented in Draft EIR Table 3-1, *Proposed General Plan Land Use Changes*, and depicted on Exhibit 3-11, *Proposed Winchester Policy Area Land Use Designation Changes*. Detailed tables which quantify the underlying Area Plan land use acreage changes are not necessary for the County of Riverside to make an environmentally informed decision on the project
- Page 3-8: The commenter states that the description of the General Plan Circulation Element amendment is lacking a description of what is being proposed, and also contains incorrect information. The commenter erroneously states that revising the Highway 79 Policy Area language does not in and of itself result in an amendment to the Circulation Element. As described above, the project has been revised to remove the existing Highway 79 Policy Area. The County of Riverside affirms that the Project Description includes sufficient information to satisfy State CEQA Guidelines Section 15124 requirements. Additional information regarding the Circulation Element amendment is not necessary for the County of Riverside to make an environmentally informed decision on the project. Further, CEQA discourages extensive detail beyond that needed for evaluation and review of the environmental impact; see State Guidelines Section 15124.

The commenter concludes by stating that the Circulation Element amendment should describe the proposed changes to the existing circulation system and policies as a



result of the project. Refer to Response 22-7 regarding the project's changes to the Circulation Element.

- Page 3-8: In the Circulation Element amendment discussion, the text that states, “No land use designation changes are proposed and the amendment is limited to removing the development restrictions of residential uses.” The commenter incorrectly states that this statement is false and that there are numerous changes proposed under the Circulation Element amendment. As described in detail on Draft EIR page 3-8, no land use designation changes are proposed and the amendment is limited to removing the development restriction on residential uses for lands within the Winchester Policy Area. Additionally, revisions to several policies within the Circulation Element are a part of the project in order to address the transition from LOS to VMT thresholds in environmental assessments such as this document.
- Page 3-10: The commenter inaccurately opines that there is a lack of an explanation for the timing of this proposal and also reiterates the lack of specificity of the project objectives discussed in Comment 22-7 above. As stated throughout the Draft EIR, buildout accommodated by the proposed project is anticipated to occur incrementally through 2040. The year 2040 was chosen as it is consistent with existing planning documents applicable to the project area (i.e., the County of Riverside General Plan and associated Area Plans). Refer to Response 22-7 for a discussion regarding the project objectives.

The commenter continues by stating that the objective is to promote higher density housing to achieve the County's 6th Cycle Housing Element RNHA and to eliminate the nine percent unit density reduction in direct opposition to the Cooperative Agreement. The comment regarding the Cooperative Agreement does not identify a specific concern with the adequacy of the EIR or raise an issue or comment specifically related to the EIR's environmental analysis under CEQA. Therefore, no further response is warranted.

- Page 3-11: The commenter incorrectly states that the Circulation Element amendment was omitted from the discussion in Draft EIR Section 3.6, *Discretionary Approvals*. However, the Circulation Element amendment is included as the fourth bullet point in the list on Draft EIR page 3-11.
- Exhibit 3-1 and 3-2: The commenter opines that there is a lack of explanation as to why the project boundary cuts through Lake Skinner. As noted, the project has been revised to remove the existing Highway 79 Policy Area. The County of Riverside affirms that the Project Description includes sufficient information to satisfy State CEQA Guidelines Section 15124 requirements. Additional information regarding the project area is not necessary for the County of Riverside to make an environmentally informed decision on the project. Further, CEQA discourages extensive detail beyond that needed for evaluation and review of the environmental impact; see State CEQA Guidelines Section 15124.



- Exhibit 3-3: The commenter states that clarification is needed of the graphic line work and legend and an explanation for what the red numbers signify. The legend clearly states that areas with a red outline indicate additions to the Harvest Valley/Winchester Area Plan. These are labeled as “1” and “2”, since there are two distinct areas being added.
- Exhibits 3-1 through 3-11: The commenter opines that none of the exhibits in the Project Description reflect the proposed land use plan. Refer to the response under the first bullet point of Response 22-8 above.
- The commenter reiterates the lack of clarity regarding the Draft VMT Mitigation Fee Ordinance/Nexus Study, specifically, that whether the 33,000+ residential units are included in the RIVTAM model should be identified and that the study should be included in Draft EIR Appendices and revised to reflect the actual number of units proposed. The County of Riverside affirms that the Project Description includes sufficient information to satisfy State CEQA Guidelines Section 15124 requirements. Additional information regarding the VMT Mitigation Fee in the Project Description is not necessary for the County of Riverside to make an environmentally informed decision on the project.

22-9 The commenter states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, the entirety of Draft EIR Section 4.0, *Environmental Analysis*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8 above. Refer to Response 22-8.

The commenter also states that the Draft EIR avoids the evaluation of all feasible mitigation measures and jumps to conclusions that impacts are either Less Than Significant without mitigation or Significant and Unavoidable without the application of feasible mitigation measures. However, the County disagrees that the Draft EIR failed to analyze all environmental impacts and incorporate feasible mitigation suitable for this level of review. CEQA does not require a lead agency to analyze every imaginable mitigation measure. Instead, the lead agency shall focus on mitigation measures that are feasible, practical, and effective. The Draft Program EIR analyzes the environmental effects of the proposed project to the degree of specificity appropriate to the current proposed actions, as required by Section 15146 of the State CEQA Guidelines. The analysis considers the activities associated with the project to determine the short-term and long-term effects associated with their implementation. This Program EIR discusses both the direct and indirect impacts of this project, as well as the cumulative impacts associated with other past, present, and reasonably foreseeable future projects at a programmatic level. As clearly stated in Section 2.2 of the Draft EIR, the County of Riverside will use this Program EIR analysis to focus later CEQA documents prepared for future projects through the use of tiering. State CEQA Guidelines Section 15152(c) states that when a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof (e.g., an area plan or community plan), the development of detailed, site-specific information may not be feasible and can be deferred, in many instances, to a project-specific CEQA document. For future projects, the County will determine the appropriate



CEQA document (e.g., EIR or Negative Declaration) that would evaluate the environmental impacts of the project being proposed at that time. Future environmental documents analyzing the project being proposed will incorporate this Program EIR by reference and will concentrate on the site-specific issues related to the particular project (State CEQA Guidelines Section 15152). Refer to Response 21-9.

22-10 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.1, *Aesthetics*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 above for a discussion regarding the Project Description. The commentor is incorrect and attempts to raise inconsistencies that either do not exist or are not essential to the suitable evaluation of the project's potential impacts. The Project Description is accurate, stable, and consistent and contains sufficient detail to fully evaluate all the potential impacts to a sufficient level of detail for a planning project of this size. It does not need to include extensive detail beyond that needed for an evaluation and review of the project's impacts; refer to State CEQA Guidelines Section 15124. See also *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437.

22-11 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.3, *Air Quality*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description.

In addition, the commentor further cites the following inadequacies relative to Draft EIR Section 4.3, *Air Quality*: 1) the analysis of consistency with the 2016 AQMP is inadequate and the commentor lists several ways it should be revised; 2) the Draft EIR's claim that it is infeasible to estimate construction emissions is not supported by substantial evidence and is routinely done for other programmatic CEQA documents such as general plans, regional plans, community plan, etc.; and the proposed air quality mitigation measures violate CEQA requirements by improperly deferring important details until a future time, without providing sufficient benchmark standards. Refer to Response 21-9 and Response 22-9.

22-12 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.4, *Biological Resources*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commentor is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the biological resources section is inadequate under CEQA.



3.0 Responses to Draft EIR Comments

- 22-13 The commenter states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.5, *Cultural Resources*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the cultural resources section is inadequate under CEQA.
- 22-14 The commenter states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.6, *Energy*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the energy section is inadequate under CEQA.
- 22-15 The commenter states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.7, *Geology and Soils*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the geology section is inadequate under CEQA.
- 22-16 The commenter states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.8, *Greenhouse Gas Emissions*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the greenhouse gas section is inadequate under CEQA.

The commenter goes on to state that Section 4.8 refers to the Environmental Checklist form provided in Appendix G to the CEQA Guidelines, and states that, "a project may create a significant adverse environmental impact if it would: (g)enerate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (refer to Impact Statement GHG-1); and (c)onflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gas (refer to Impact Statement GHG-2)." The commenter opines that the Draft EIR's analysis of construction and operational GHGs is inadequate and needs to be revised. The analysis presented on GHG emissions is



based on land use data entered into California Emissions Estimator Model version 2016.3.2 (CalEEMod), a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with both construction and operations from a variety of land use projects. CalEEMod was developed in collaboration with the air districts of California, who provided data (e.g., emission factors, trip lengths, meteorology, source inventory, etc.) to account for local requirements and conditions. The model is considered by the SCAQMD to be an accurate and comprehensive tool for quantifying air quality and GHG impacts from land use projects throughout California.

As discussed in Draft EIR Impact Statement GHG-1, quantifying individual future development's GHG emissions from short-term, temporary construction-related activities is not possible as part of the program EIR due to project-level variability and uncertainties concerning locations, detailed site plans, construction schedules/duration, equipment requirements, etc., among other factors, which are presently unknown. Since these parameters can vary so widely (and individual project-related construction activities would occur over time dependent upon numerous factors), quantifying precise construction-related GHG emissions and impacts would be impractical. With current policies regarding construction waste diversion, anticipated continued advancement in equipment technology, Climate Action Plan (CAP) implementation, and the mitigation measures included for Impact Statement AQ-2 in Draft EIR Section 4.3, *Air Quality*, construction GHG emissions would be minimized. However, depending on how development proceeds, construction-related GHG emissions associated with future development could exceed SCAQMD thresholds of significance.

As indicated in Draft EIR Table 4.8 1, the project's operational GHG emissions would total 2,222,730 MTCO₂e, or an additional 68,588 MTCO₂e over existing General Plan emissions. However, as noted in Draft EIR Impact Statement GHG-1, the types of development patterns facilitated by the project (i.e., higher density housing and local non-residential uses) would reduce VMT, promote walkability, and contribute to a jobs/housing balance. Higher density housing and local serving uses reduce the need to travel long distances for some residents. These project objectives would reduce GHG emissions.

In addition, future development would be subject to a host of regulatory requirements, including Title 24 and applicable General Plan policies in place to minimize GHG impacts; refer to Draft EIR page 4.8-28. To further reduce GHG emissions from new development, future development activities would be subject to conformance with Mitigation Measures GHG-1 and GHG-2. Mitigation Measure GHG-1 would require all new discretionary development to comply with the Implementation Measures of the Riverside County CAP or provide comparable custom measure backed by a project GHG study (for example, using CalEEMod modeling) demonstrating achievement of the same target. In lieu of a project-specific GHG Study, Mitigation Measure GHG-2 would ensure future discretionary projects pursuant to the Riverside County General Plan incorporate operational features and/or Implementing Measures from the County CAP into the project design, in such a manner as to garnish at least 100 points, or the appropriate metric at the time of CEQA review.



Following compliance Mitigation Measures GHG-1 and GHG-2, as well as the established regulatory framework, the project's long-term GHG impacts would be reduced. However, as future development facilitated by project implementation would be analyzed on a project-by-project basis, it is not feasible to determine the extent of each development's potential contribution to global climate change and appropriate mitigation measures specific to each development at the time of this writing. Thus, due to the uncertainty of timing of future development as well as project-specific details, future development could exceed the County's thresholds. Therefore, impacts are considered significant and unavoidable.

22-17 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.9, *Hazards and Hazardous Materials*, section is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commentor is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the hazards and hazardous materials section is inadequate under CEQA.

22-18 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.10, *Hydrology and Water Quality*, section is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commentor is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the hydrology and water quality section is inadequate under CEQA.

22-19 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.11, *Land Use and Planning*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commentor is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the land use section is inadequate under CEQA.

The commentor continues by stating the Land Use and Planning section is inadequate since it does not mention the Western Riverside Council of Governments (WRCOG) as the regional planning agency for the project area, let alone provide any analysis of regional impact within Western Riverside County, or WRCOGs subregional Climate Action Plan GHG reduction measures. As described in Draft EIR Section 4.8 and Impact LU-2 of Section 4.11, development within unincorporated County of Riverside, including future development proposals within the project area, is subject to compliance with the County's CAP, which outlines County's efforts to meet GHG reduction strategies. A discussion on the WRCOG and



their subregional Climate Action Plan GHG reduction measures is not necessary nor required to be included in Draft EIR Section 4.11 in this regard.

Further, the commenter states the Land Use and Planning section does not acknowledge the proposed Winchester Community Plan and simply refers to all of the existing Area Plans and overlays that will be modified to create the proposed plan. This comment is incorrect. The Winchester Community Plan is the proposed project; thus, every reference to “project” in Section 4.11 and the balance of the Draft EIR is a reference to the Winchester Community Plan.

- 22-20 The commenter states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.12, *Mineral Resources*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the mineral resources section is inadequate under CEQA.
- 22-21 The commenter states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.13, *Noise and Vibration*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the noise and vibration section is inadequate under CEQA.
- 22-22 The commenter states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.14, *Population and Housing*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the population and housing section is inadequate under CEQA.
- 22-23 The commenter states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.15, *Public Services*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore



flawed. The comment lacks any support or detail as to how or why the public services section is inadequate under CEQA.

22-24 The commenter states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.16, *Recreation*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the recreation section is inadequate under CEQA.

22-25 The commenter states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.17, *Transportation*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the transportation section is inadequate under CEQA.

However, the commenter does raise concerns about the regulatory setting and the impact analysis for TRA-1 through TRA-3. Specifically, the commenter requests whether the project applies a Level of Service (LOS) or Vehicle Miles Travelled (VMT) based transportation impact analysis. As discussed on Draft EIR page 4.17-1, the transportation section is based on the *Draft SB 743 Analysis* (VMT Analysis) prepared by Kimley-Horn and Associates, Inc., dated December 1, 2020; see Draft EIR Appendix E, *VMT Analysis*. Impacts to VMT are described in Draft EIR Impact Statement TRA-2, and no LOS analysis is provided nor necessary pursuant to SB 743 requirements.

For Impact TRA-1, the commenter requests clarification on how site-specific Traffic Management Plans (TMPs) would be required to be implemented for each individual implementing project. As elaborated in Impact TRA-3, future implementing projects of the Winchester Community Plan would be required to prepare a Construction Transportation Plan (CTP) for County review and approval in accordance with Mitigation Measure TRA-2. A CTP would include measures designed to reduce the impact of temporary construction traffic and any necessary lane/road closures or detours. Such measures could include provisions for 24-hour access by emergency vehicles; traffic speed limitations in construction zones; and flag persons or other methods of traffic control. The County affirms that this measure is commonly applied for site-specific development and would be feasible and fully enforceable pursuant to State CEQA Guidelines Section 15041 requirements.

For Impact TRA-2, the commenter notes that if there would be any roadway widening associated with the project with the potential to impact Caltrans facilities, consistent with guidance in the OPR Technical Advisory, induced demand VMT needs to be analyzed. As



stated in Impact TRA-1, the project does not propose site-specific development (including roadway widening). However, it does propose land use and policy changes that would facilitate development within the project area. Future development facilitated by the project could include modifications to Caltrans facilities, and thus, would be required to conduct site-specific traffic impact analyses relative to Caltrans facilities and comply with Caltrans requirements.

The commenter continues by stating that the VMT thresholds included for Impact TRA-2 for retail and other customer land uses shown in Table 4.17- 1 are listed as "net regional change." That is not a threshold, which is a metric. The analysis needs to be revised to state what the threshold is for both of these land uses (e.g., no net increase in regional VMT). Net regional change is appropriate, as the Draft EIR consistently evaluates net change from existing to proposed buildout of the Winchester Community Plan. Refer to Draft EIR Table 3-2, *Project Development Potential*, which outlines the net change the proposed project would result in related to increased non-residential square-footage, jobs, dwelling units, and population.

The commenter is concerned Impact TRA-2 uses a RIVTAM Model base year condition of 2012 which, for purposes of this analysis, is considered to be representative of existing conditions, and states there is no explanation given as to why or how this is representative of existing conditions. Additionally, an updated version of RIVTAM has been released since the completion of this analysis and includes a base year of 2018. The commenter opines that the use of the updated and refined model should be considered, or an explanation included as to why the current version of RIVTAM was not used. Refer to Response 19-4 for a discussion on the environmental baseline used for the Draft EIR.

The commenter requests discussion or disclosure of what land use assumptions were included for any of the modeling related to Draft EIR Tables 4.17-2 and 4.17-3. As stated on Draft EIR Threshold TRA-2, since the project is comprised of a series of policy documents and policy revisions, and includes multiple land uses within the Winchester PA (residential, office, retail, etc.), the threshold of significance is based on all the categories listed in VMT thresholds of significance for Riverside County are summarized in Table 4.17-1, *VMT Thresholds of Significance*. Refer also to Draft EIR Appendix E, *VMT Analysis*.

The commenter opines that the Impact TRA-2 statement that, "Although many of the VMT reducing design principles, policies, and improvements that are described above may ultimately mitigate and/or potentially reduce the VMT impacts outlined ... " is speculative and misrepresents the VMT analysis findings. With the level of VMT increases across the board, it is highly unlikely that any of the VMT impacts would be able to be mitigated to a less than significant level. The County disagrees with this statement. Refer to the host of VMT Reducing Design Principles, Policies, and Improvements identified on Draft EIR page 4.17-21. The project would reduce distances between housing, workplaces, commercial uses, and other amenities and destinations. The project would promote more compact development and land use synergy (e.g., residents provide patrons for commercial uses, which provide amenities for residents), as well as create a sustainable multi-modal transportation network that includes walkable, bicycle-friendly environments with increased accessibility via transit, resulting in reduced transportation costs. The types of development patterns facilitated by



the project (i.e., higher density housing and local non-residential uses) would reduce VMT, promote walkability, and contribute to a jobs/housing balance. Higher density housing and local serving uses reduce the need to travel long distances for some residents. Further, future development within the project area would locate a mix of residential, commercial (retail and office), and other land uses near public transportation. Increased use of public transportation, walking, and biking would help reduce VMT. Nonetheless, in aggregate, it is likely that the Draft EIR VMT analysis represents a worst-case scenario given that it does not fully represent the beneficial effects of planned VMT reducing design principles or the effects that targeted mitigation measures could ultimately have on future development projects. Based on the above VMT analysis, the project would result in a significant unavoidable impact concerning the Winchester PA's residential land uses in aggregate exceeding the threshold under all plus project scenarios.

The commenter argues VMT-reducing design principles incorporated in the Draft Winchester Design Principles are incorrectly presented as mitigation Impact TRA-2. If these are part of the proposed project, they should be incorporated into the analysis and not included as mitigation. The VMT Reducing Design Principles, Policies, and Improvements identified on Draft EIR page 4.17-21 are considered to be the regulatory framework in which future projects would be evaluated against for consistency/applicability. There are no mitigation measures included in Impact TRA-2 that identify Draft Winchester Design Principles. The only mitigation measure included in Impact TRA-2 requires the County to undertake a nexus study and adopt an ordinance creating a VMT Mitigation Fee for the Community Plan Area (see Draft EIR Mitigation Measure TRA-1).

The commenter opines that there is no quantification of the proposed VMT mitigation. It is also unclear if all feasible VMT mitigation has been proposed. They request that the Impact TRA-2 is revised and a quantification is provided, as well as a more robust discussion of VMT mitigation. Consistent with State CEQA Guidelines Section 15147, *Technical Detail*, which states that placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR, a more robust discussion on VMT mitigation is provided in Draft EIR Appendix E.

It should be noted that specific future development projects could perform better or worse than the overall VMT impacts determined by the Draft EIR's programmatic-level analysis. The County affirms that the Winchester Community Plan's EIR incorporates all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible. No feasible mitigation measures or alternatives have been identified to reduce VMT impacts that would mitigate the significant and unavoidable adverse effects of the project and still meet the project objectives; refer to Draft EIR Section 4.17 and Section 7.0, *Alternatives to the Proposed Project*.

Last, the commenter states that if there are no existing requirements for construction traffic management, it cannot be assumed that a temporary traffic control plan would be implemented, and associated impacts reduced to a LTS level for Impact TRA-3. Mitigation Measure TRA-2 is included in Impact TRA-3 to require future implementing projects of the



Winchester Community Plan to prepare a CTP for County review and approval; refer to the response above.

22-26 The commentor again expresses concern regarding the Draft VMT Mitigation Fee Ordinance/Nexus Study, stating that the \$11 million to be collected through a \$328/unit mitigation fee is not sufficient to mitigate all VMT impacts. Refer to Response 4-2. Draft EIR Section 4.17 clearly states that, given the lack of specific information available for this community level plan, it is not possible to fully account for the effect of specific design principles, policies, and improvements that would reduce VMT as part of the analysis. Although many of the VMT reducing design principles, policies, and improvements that are described in Draft EIR Section 4.17 and Appendix E may ultimately mitigate and/or potentially reduce the VMT impacts outlined, necessary details to assure implementation and appropriately evaluate their effect are not yet available. As discussed in Draft EIR Impact TRA-2, the proposed community plan has the potential to result in residential development that would exceed residential VMT thresholds. To reduce the impact associated with residential uses, Mitigation Measure TRA-1 would require the County to establish an ordinance creating an impact fee program for all residential units built in the Winchester Community Plan Boundary. The fee shall be developed through a nexus study process and shall be used to fund the development of a transit station and Park and Ride facility in the Downtown Core. Due to the lack of project-specific details of future development, even with the implementation of Mitigation Measure TRA-1, impacts would remain significant and unavoidable for residential development.

22-27 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.18, *Tribal Cultural Resources*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commentor is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the tribal cultural resources section is inadequate under CEQA.

22-28 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.19, *Utilities and Service Systems*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commentor is merely citing to their inaccurate concerns about the Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the utilities and service systems section is inadequate under CEQA.

The commentor inaccurately asserts that a Water Supply Assessment is required for the proposed project. Pursuant to Senate Bill 610, water supply assessments are required for any project that is subject to the California Environmental Quality Act and proposes commercial



development of more than 250,000 square feet of floor space, a retail center with more than 500,000 square feet of floor space, or more than 500 dwelling units. As a programmatic land use planning document, the project is not subject to Senate Bill 610 or SB 221. However, future development accommodated by the project would be reviewed on a case-by-case basis to identify if the project satisfies the State CEQA Guidelines Section 15155 definition of a “water demand project” and would be subject to a water supply assessment.

The California courts have provided specific guidance with respect to the requirements of a water supply analysis that is undertaken for a long-range development project or other long-range land use planning decision, such as a general plan update. In particular, the courts have drawn a clear distinction between long-term development projects and planning decisions, on the one hand, and short-term project-specific approvals, on the other hand. In drawing this distinction, the courts have consistently upheld the rule that far less water supply certainty is required at the early stages of planning and development in comparison to the higher degree of certainty that is required at the point of authorizing a specific land use entitlement, such as a tentative tract map.

In this regard, the California Supreme Court has stated: “Requiring certainty when a long-term, large-scale development project is initially approved would likely be unworkable, as it would require water planning to far outpace land use planning. Examination of other state statutes specifically addressing the coordination of land use and water planning supports our conclusion [that] CEQA should not be understood to require assurances of certainty regarding long-term future water supplies at an early phase of planning for large land development projects”. See *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova*, 2007, 40 Cal.4th 412, 432. The court further stated: “[T]he burden of identifying likely water sources for a project varies with the stage of project approval involved; the necessary degree of confidence involved for approval of a conceptual plan is much lower than for issuance of building permits.” Indeed, it added, to “interpret CEQA itself as requiring such firm assurances of future water supplies at relatively early stages of the land use planning and approval process would put CEQA in tension with these more specific water planning statutes.”

In light of these rules, the court found that: “CEQA does not demand such certainty at the relatively early planning stage involved here...to satisfy CEQA, an EIR for a specific plan need not demonstrate certainty regarding the project’s future water supplies.” Without question these standards articulated by the Vineyard Court apply to water supply analyses prepared for purposes of the community planning process, as that stage of land use planning is even more preliminary than the specific plan stages of land use decision-making addressed by Vineyard. For additional cases supporting the distinction between project-specific actions versus large planning projects, see also *Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App. 4th 1059; *Sonoma County Water Coalition v. Sonoma County Water Agency* (2010) 189 Cal.App.4th 33.

22-29 The commenter states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.20, *Wildfire*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 and 22-10 above for a discussion regarding the Project Description. The commenter is merely citing to their inaccurate concerns about the



Project Description and thus claiming the impact analysis is therefore flawed. The comment lacks any support or detail as to how or why the wildfire section is inadequate under CEQA.

- 22-30 The commentor states that the inadequacy of the project description has affected the analysis within all topical environmental issues in the Draft EIR, and as a result, Draft EIR Section 4.21, *Mandatory Findings of Significance*, is flawed and requires revision based on a revised project description, as requested in Comment 22-8. Refer to Response 22-8 22-10 above for a discussion regarding the Project Description.
- 22-31 The commentor states that Draft EIR Section 5.0, *Cumulative Impacts*, is deficient because the 10 projects listed in Table 5-1, *Cumulative Projects List*, do not comprise the entirety of cumulative projects; because Draft EIR Exhibit 5-3 is blank, and that the level of significance statements are made without supporting analysis. In accordance with State CEQA Guidelines Section 15130(b), the Draft EIR's discussion of cumulative impacts is guided by the standards of practicality and reasonableness. As a County of Riverside long range planning document, the cumulative projects identified in Draft EIR Table 5-1, *Cumulative Projects List*, are known County of Riverside-sponsored projects that have the potential to interact with the proposed project to the extent that a significant cumulative effect may occur. The implementation of each project represented in Table 5-1 was determined to be reasonably foreseeable. It should be noted that the Draft EIR does not include an Exhibit 5-3. However, Draft Exhibit 5-1, *Cumulative Projects*, depicts the projects identified on Draft EIR Table 5-1 and is available for viewing in the Draft EIR at <https://planning.rctlma.org/winchester-communityplan>.
- 22-32 The commentor states that the conclusions made in Draft EIR Section 6.0, *Other CEQA Considerations*, are incorrect; specifically, the commentor opines that the project is growth-inducing and that the conclusion is contradicted by the Cooperative Agreement. Refer to Response 7-4 and Response 22-1.
- 22-33 The commentor reiterates their concern regarding the lack of an explanation for how the number of residents, dwelling units, and non-residential square footages were calculated for each alternative, in Draft EIR Section 7.0, *Alternatives to the Proposed Project*. Refer to Response 18-7.
- 22-34 This comment contains conclusory remarks, summarizing the contents and statements of the letter. This comment is acknowledged and does not raise any new issues. As such, no further response is necessary.



CITY OF MURRIETA

September 23, 2022

Manuel Baeza, Principal Planner
4080 Lemon Street, 12th Floor,
Riverside, CA 92501

Draft Environmental Impact Report (EIR), State Clearinghouse No. 2019049114, for General Plan Amendment 1207 (GPA 1207), Winchester Community Plan project

Dear Mr. Baeza,

We are writing to you regarding the Draft Environmental Impact Report (EIR), State Clearinghouse No. 2019049114, for General Plan Amendment 1207 (GPA 1207), Winchester Community Plan project. During some emergencies, the City of Murrieta may provide services within the Plan area both now and in the future. The City takes pride in being a regional partner to provide emergency services and appreciates the County being a regional leader in emergency services for both fire and police. Adding new residents that will reside in a substantial number of new dwelling units will impact the City's services locally in the northern part of our City and also regionally. The City of Murrieta has concerns regarding the lack of analysis under the EIR for regional public services, including fire services, sheriff services and school services and potential impacts related to wildfire.

23-1

The proposed project proposes increases in density for residential development adjacent to the City's sphere of influence area on Scott Road. Specifically, this area along Scott Road that is proposed for an increase in density is located closer to a City of Murrieta Fire Station (#4), about five miles by road, than the nearest County of Riverside Fire Stations (#83 French Valley or #34 Winchester Station), about six miles by road in either scenario. There has been significant residential development with the proposed Winchester Plan Area in the past decade. The County's response time in the plan area from 2015 listed in the EIR is likely out of date considering the number of new dwelling units that have been built and are under construction in the area now in 2022. The response time is also likely to get worse adding more dwelling units in the Plan area, especially along the existing road network. The City is concerned that the County should be adequately planning and building the infrastructure for public services, including fire services, sheriff services and school services in advance of potential development and not after more development occurs within the area, especially in areas that may already be underserved with for example, poor response time for fire. In light of the recent wildfire that occurred within the eastern side of the proposed Plan area, fire services should be something that is carefully considered with this proposed project among other public services given the susceptibility to wildfire in the area and other emergencies that could occur.

23-2

Section 4.15 Public Services and 4.20 Wildfire of the EIR make mention that approximately 12,329 dwelling units are being added to the project area, which will incrementally increase demand for fire protection services. However, project implementation would decrease demand for protection services on non-

residential development as that area is being reduced within the plan. How was it determined that demand would decrease? Was this studied under the project, what data analysis confirms this?

23-3

The project area is a large area, comparable to the size of a City in the Southwest Riverside County region. There are only three fire stations located within the Plan area and they are not located near all of the planned areas for increases in residential density with new dwelling units. Even if the proposed increase in density for residential development is in the same locations as the previous non-residential development that was previously proposed, the impacts for residential development on public services compared to non-residential development may be very different and should be analyzed. If the area proposed for increase in density is not currently adequately served by public services, including fire services, those impacts should be considered under the EIR. If services are not adequate, then a fire station(s) may need to be built in advance of development in the plan area that is underserved.

23-4

Collecting a development impact fee with a building permit is a good idea to increase the amount of funds for critical infrastructure and may potentially provide funds for a future fire station, sheriff station or schools depending on how the funds are chosen to be used by the County. Collecting a fee does not provide fire protection for a structure, such as a new dwelling unit in the areas with increased density, when it is under construction or newly constructed after this plan is approved. Therefore new structures or people in the plan area resulting from the proposed Plan may be placed in harms way related to a lack of emergency services and wildfire on day one. Collecting a fee may eventually provide fire service, but only relying on the fee at this time could potentially put people at risk of wildfire in the gap of time between when a fee is collected and when the County determines it has enough funds to build a new fire station, which could be years.

23-5

The project should prepare a public facilities and wildfire analysis to determine what the current response time and services are throughout the project area to determine if the areas proposed for increases in density are currently adequately served. The analysis should consider the existing scenario and the proposed scenario and look at impacts locally and regionally. If not adequately served, potential impacts should be carefully considered in the fire service area and any potential mitigation measures should be considered. Impacts should be addressed prior to any new development being proposed. The project proposes to assess potential impacts on a case by case basis, however the project increases density and therefore should assess the impacts at this time, particularly in areas where density is being increased as a result of this Plan.

23-6

The project should analyze whether the County's Fire Stations and service response are adequate to serve the area and particularly the area with an increase in density, given the existing response times and significant development that has occurred within the area. The project should analyze the regional impacts of the project on a cumulative level considering the significant amount of recent residential development within and adjacent to the Winchester Plan Area, such as the development along Winchester Road/HWY 79 and Domenigoni Pkwy/Newport Road. Considering these residential developments within the Plan area cumulatively, what are the potential impacts likely to be? This should be analyzed with the project.

23-7

A proposed mitigation measure of the project could be that a new fire station(s) is built in the areas that need fire service in order to allow future development, prior to building permits being issued for any dwelling units in order to avoid placing people or structures at risk of a lack of emergency services and potential dangers from wildfire. The County could pay back the cost of the needed fire station(s) after they are built using the funds being collected through impact fees as development occurs.

23-8

The City of Murrieta appreciates the opportunity to comment on the Draft EIR and looks forward to continuing to work with the County regionally on emergency services. Should you need to reach the City of Murrieta regarding these comments, you may contact Senior Planner, Carl Stiehl directly by phone: (951) 461-6063 or email: cstiehl@murrietaca.gov

Sincerely,

David Chantarangsu

David Chantarangsu, AICP, Director
Development Services Department

cc: City of Murrieta

Bernard Molloy II, Fire Chief, Murrieta Fire & Rescue bmolloy@murrietaca.gov

Doug Strosnider, Fire Marshal, Murrieta Fire & Rescue dstrosnider@murrietaca.gov

Carl Stiehl, Senior Planner, Development Services Department cstiehl@murrietaca.gov



Response No. 23

David Chantarangsu, Development Services Director, City of Murrieta

September 23, 2022

23-1 This comment provides a general introduction and cites concerns regarding the lack of analysis under the Draft EIR for regional public services, including fire services, sheriff services and school services and potential impacts related to wildfire that could result from residential development that would be facilitated by the project, in particular, that would be located adjacent to the City's sphere of influence area on Scott Road. The City is concerned that the County should be adequately planning and building the infrastructure for public services, including fire services, sheriff services and school services in advance of potential development and not after more development occurs within the area.

As discussed in Draft EIR Section 4.15, *Public Services*, the project area would be served by Riverside County Fire Department (RCFD) and Riverside County Sheriff Department (RCSD); thus, project implementation is not anticipated to impact City of Murrieta resources (i.e., Murrieta Fire Department and Murrieta Police Department). To offset impacts to RCFD and RCSD, future development would be subject to compliance with General Plan Policy LU 10.1 and Ordinance No. 659, *Development Impact Fees*, which require that new development pay Development Impact Fees to ensure that certain facility obligations are met to reasonably serve the subject development. Such obligations include the construction of new fire and sheriff facilities. The County requires payment of developer mitigation fees prior to Building and Safety Department final inspection for any residential dwelling, mobile home, commercial retail establishment, business park office, or light industrial facility. The fees would serve for the construction and acquisition of public facilities. Payment of these fees would assist in the funding and construction of new RCFD and RCSD facilities and would minimize the project's operational impacts to fire and sheriff protection services to the greatest extent practicable.

Concerning school services, the project area is served by the Hemet Unified School District (HUSD) and Menifee Unified School District (MUSD), and thus would not Murrieta Valley Unified School District. As discussed in Draft EIR Section 4.15, it is the County's policy to monitor public services in coordination with applicable school districts to ensure that growth does not exceed acceptable levels of service (Policy LU-5.2). Any future housing development facilitated by the project would be subject to compliance with SB 50 requirements, which allow school districts to collect impact fees from developers of new residential projects to offset the cost of new development. Pursuant to SB 50, payment of fees to the applicable school district is considered full mitigation for project impacts, including impacts related to the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives for schools. Therefore, individual development projects occurring under the proposed project would be required to pay the required SB 50 statutory fees, so that school facilities can be constructed/expanded, if necessary, to accommodate the impact of project-generated students, reducing impacts to a less than significant level.

Impacts related to wildfire are addressed in Draft EIR Section 4.20, *Wildfire*. As shown in Draft EIR Exhibit 4.20-1 and Draft EIR Exhibit 4.20-2, portions of the project area are in or near lands classified Very High Fire Hazard Severity Zone (VHFHSZ) and portions of the project area are in or near a State Responsibility Area (SRA). The project proposes land use and



policy changes that would facilitate development within the project area. Therefore, development facilitated by the project could be in or near an SRA and/or lands classified VHFHSZ. As concluded in Draft EIR Section 4.20, project impacts related to wildfire would be less than significant given the extensive regulatory environment and regulatory processes in place to reduce risk of wildfire hazards. The County has outlined information, policies, and regulations regarding fire and other hazards in the Safety Element. The project's adherence to State regulations (see Draft EIR Section 4.20.2, *Regulatory Setting*, for California Codes, California Emergency Services Act, and SEMS), and County regulations (Ordinance No. 787 and RCFD Strategic Plans, Safety Element Chapter 5, and applicable RCFD Standards pertaining to human health and safety). The County would review all project plans to ensure compliance with these regulations.

Additionally, the commentor notes that the County's response time in the plan area from 2015 listed in the Draft EIR is likely out of date considering the number of new dwelling units that have been built and are under construction in the area now in 2022. As stated in Draft EIR Section 4.15, depending on the future development's location and opening year, future development could impact fire protection services response times to the project area, which could warrant construction of new fire protection facilities. Therefore, project implementation could result in adverse physical impacts associated with the provision of a new or physically altered fire protection facility. The actual need for a new fire station or alteration to an existing station would be verified and dependent upon RCFD's response times and capacities at the time the entitlement application is submitted to the County. Future construction and operation of a new fire station would be subject to environmental review pursuant to CEQA to determine whether adverse physical effects on the environment would occur. In addition, future development would be subject to compliance with General Plan Policy LU 10.1 and Ordinance No. 659, which require that new development pay Development Impact Fees to ensure that certain facility obligations and response times are met to reasonably serve the subject development. A less than significant impact would occur, and no mitigation is required.

- 23-2 The commentor states that the proposed project may result in incremental increase in demand for fire protection services, as analyzed in Draft EIR Section 4.15, *Public Services*, and 4.20, *Wildfire*. Refer to Response 23-1.

The commentor also requests further information/data analysis on how it was determined that demand for fire protection services on non-residential development would decrease (since the project proposes to reduce buildout potential of non-residential development). Draft EIR Table 3-2, *Project Development Potential*, outlines the change the proposed project would result in related to increased non-residential square-footage, jobs, dwelling units, and population. As shown in Draft EIR Table 3-2, the project would decrease non-residential development by 7,529,664 square feet. This is how it was determined that non-residential demands for fire protection services would decrease with project implementation.

- 23-3 This comment states that the project area is a large area, comparable to the size of a City in the Southwest Riverside County region. There are only three fire stations located within the Plan area and they are not located near all of the planned areas for increases in residential density with new dwelling units. The commentor opines that even if the proposed increase in density for residential development is in the same locations as the previous non-residential development that was previously proposed, the impacts for residential development on public



3.0 Responses to Draft EIR Comments

services compared to non-residential development may be very different and should be analyzed. Further, the commentor states that if services are not adequate, then a fire station(s) may need to be built in advance of development in the plan area that is underserved. Refer to Response 23-1.

23-4 With regard to the development impact fee for fire protection services discussed in Draft EIR Section 4.15, *Public Services*, the commentor states that collecting a fee may eventually provide fire service, but only relying on the fee at this time could potentially put people at risk of wildfire in the gap of time between when a fee is collected and when the County determines it has enough funds to build a new fire station, which could be years. Refer to Response 23-1.

23-5 The commentor states that the project should prepare a public facilities and wildfire analysis to determine what the current response time and services are throughout the project area to determine if the areas proposed for increases in density are currently adequately served. The analysis should consider the existing scenario and the proposed scenario and look at impacts locally and regionally. The commentor acknowledges that the project proposes to assess potential impacts on a case-by-case basis, however, states that impacts should be assessed now rather than at the time of future development due to the project's density increase.

Buildout accommodated by the project is speculative in nature, and accordingly, analysis of the public facilities and wildfire is more appropriately and accurately addressed on a project-by-project basis. This allows for a more up-to-date and accurate data for developers and policymakers to use during the individual project development process. As such, an analysis of public facilities and wildfire impacts is provided in an appropriate level of detail for a programmatic level analysis. A more detailed analysis is not provided in the Draft EIR to avoid speculation, which can be misleading. Instead, future development projects that require environmental review would conduct site-specific environmental impact analyses based on individual parameters of the site. Further, the Draft EIR does not identify specific land use development projects and does not permit subsequent development. Therefore, the nature of the Draft EIR's analysis is programmatic. The Draft EIR has extensive analysis to support its environmental conclusions and to allow for informed decision making under CEQA.

23-6 The commentor states that the project should analyze whether the County's Fire Stations and service response are adequate to serve the area and particularly the area with an increase in density, given the existing response times and significant development that has occurred within the area. Additionally, the project should analyze the regional impacts of the project on a cumulative level considering the significant amount of recent residential development within and adjacent to the Winchester Plan Area, such as the development along Winchester Road/Highway 79 and Domenigoni Parkway/Newport Road. Refer to Response 23-1 and Response 23-5.

23-7 The commentor suggests that a proposed mitigation measure of the project could be that a new fire station(s) is built in the areas that need fire service in order to allow future development, prior to building permits being issued for any dwelling units in order to avoid placing people or structures at risk of a lack of emergency services and potential dangers from wildfire, and that the County could pay back the cost of the needed fire station(s) after they are built using the funds being collected through impact fees as development occurs. Refer to Response 23-1.



23-8 The commentor offers concluding remarks, including contact information in case of any questions regarding the comment letter. The comment does not raise a specific issue regarding the adequacy of the Draft EIR or its environmental analysis, and no further response is warranted.

September 23, 2022

Via E-Mail

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

Attn: Manuel Baeza

MBaeza@rivco.org

Attn: John Hildebrand

JHildebrand@rivco.org

Re: County of Riverside Winchester Community Plan General Plan Amendment 1207 EIR (Draft EIR) - Assessor's Parcel Numbers 466-210-021 through 024 located at the southwest corner of Garbani and Leon Roads, Winchester, California

All:

In 2021 we processed a Pre-Application Review, PAR210002, on the above reference parcels for the development of a single family residential project consisting of 88 single family lots

The current general plan land use for this property is Rural Community-Estate Density Residential (RC-EDR) and is in the Estate Density Residential and Rural Residential Policy Area.

GPA 1207 is proposing a land use for this property of Rural Community-Low Density Residential (RC-LDR.)

This project is directly east of the La Ventana Specific Plan 1129 under construction consisting of 511 single family homes. Our project is proposing a similar single family residential product. It is also directly north of the recently completed Perris Union's Liberty High School.

We have met with the Winchester-Homeland Town Association's Land Division Committee on this proposal and they are supportive of the proposed Project based on it being compatible with the developed adjacent properties and the in-fill nature of this project.

We respectfully request the General Plan Designation for this property be revised to Community Development - Medium Density Residential (MDR) along with the removal from the Estate Density Residential and Rural Residential Policy Area.

If you have any questions or concerns regarding the foregoing, please do not hesitate to contact us at any time.

Sincerely,

Grant and Marsha Becklund
30811 Garbani Road
Winchester, CA 92596
(951) 288-0601
grantbecklund@gmail.com



Response No. 24

Grant and Marsha Becklund, Residents

September 23, 2022

24-1 The commentor is the owner of APNs 466-210-021 through -024, located at the southwest corner of Garbani Road and Leon Road. The commentor states that the parcels are currently designated under the General Plan as Rural Community – Estate Density Residential (RC-EDR). Under General Plan Amendment 1207, the property is proposed to have a General Plan Land Use Designation of Rural Community-Low Density Residential (RC-LDR). The commentor requests for the County to consider a proposed General Plan Land Use Designation of Community Development – Medium Density Residential. This request will be provided to decision makers during project deliberations. This comment does not identify a specific concern with the adequacy of the EIR or raise an issue or comment specifically related to the EIR’s environmental analysis under CEQA. Therefore, no further response is warranted.



MEMORANDUM

TO: Riverside County Planning Department
Manny Baeza/Paul Swancott

FROM: Joel Morse, T&B Planning, Inc.

DATE: September 26, 2022

RE: Comments on Winchester Community Plan – Highway 79 VMT Nexus Study

25-1 We appreciate the opportunity to review and comment on the Winchester Community Plan Highway 79 VMT Nexus Study (“Study”). Please see below for T&B Planning’s formal comments on the Study, dated September 2022. This Comment Memo identifies specific language from the Study, followed by our comments and questions.

1. **From the Winchester Community Plan (Nexus Study for Fees) on Page 1.**

25-2 *“This fee does not apply to the identified Downtown Core/Town Center area or commercial/industrial entitlement/uses.”*

T&B Comment:

In as much as the area within the Downtown Core/Town Center are exempt from the fee, it would be useful to include an exhibit clearly showing the boundaries of this exclusion area in the Ordinance.

2. **From the Winchester Community Plan (Nexus Study for Fees) on Page 1.**

25-3 *“The Mitigation Fee is applicable to all new single-family residential development for each unit/parcel that is entitled/approved after the adoption/effective date of this Ordinance.”*

“Specific Plans: This fee applies to new single-family residential entitlements within an existing adopted/approved Specific Plan.”

a. **T&B Comments:**

1. What exactly is meant by the term “entitled” in this context? For example:
 - a. Are approved units within an existing adopted Specific Plan considered “entitled”, whether included on an approved Tentative Map or not?
 - b. Are units only considered entitled within a Specific Plan when also approved on a Tentative Tract Map?
 - c. Are units entitled within a Specific Plan when an approved on a Tentative Tract Map?





- d. If an approved Tentative Tract Map is modified, is the fee payable on all of the units on the Tentative Tract Map, or would the fee be payable only on the units requested above the previously approved unit count?

3. From the Winchester Community Plan (Nexus Study for Fees) on Page 1 & 2.

25-4

“TRA-1: Prior to commencement of residential development within the Winchester PA and Highway 79 PA (excluding areas in the Downtown Core), the County shall undertake a nexus study and adopt an ordinance creating a Vehicle Miles Travelled (VMT) Mitigation Fee for the Community Plan Area. The VMT Mitigation Fee shall consist of a flat fee applied to any new development within the abovementioned areas and shall fund the development of a Transit Station and Park and Ride facility in the Downtown Core. The Mitigation Fee shall not be applied to any residential units developed in the Downtown Core. The ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy Areas (excluding residential development within the Downtown Core).”

a. T&B Comments:

- 1. At what point in the entitlement process would the fee assessed?
- 2. At what point in the entitlement process would the fee be payable?

4. From the Winchester Community Plan (Nexus Study for Fees) on Page 3:

25-5

“The total combined costs from the estimates above for a multi-modal transit station and one (1) Park and Ride facilities is \$11 million. As outlined in the EIR, it is estimated the Winchester Community Plan will potentially generate 33,569 new residential dwelling units.”

“\$11 million ÷ 33,569 DU= \$328/DU”

“Therefore, it is recommended that a \$328 fee be applied to all new residential development within the Highway 79-Policy Area including the Winchester Policy Area to fund future transit and park and ride improvements in the Downtown Core/Town Center area.”

T&B Comments:

- i. Once the multi-modal transit station and Park and Ride facilities are completed, will the VMT Mitigation Fee be rescinded?
 - a. What is the mechanism for rescinding the Fee?
 - b. for all future developments be exempt from the Fee? If not, please clarify what is intended to occur with the VMT Mitigation Fee once these facilities are completed.





Response No. 25

Joel Morse, T&B Planning, Inc.

September 26, 2022

- 25-1 This comment provides a general introduction. Responses to specific comments are provided below.
- 25-2 The commentor refers to the Draft Nexus Study published by the County on the Winchester Community Plan web page. They express that an exhibit or figure would be useful to show the boundaries of the Downtown Core/Town Center area that is exempt from the VMT Mitigation Fee. The comment is acknowledged. This comment does not identify a specific concern with the adequacy of the EIR or raise an issue or comment specifically related to the EIR's environmental analysis under CEQA. Therefore, no further response is warranted.
- 25-3 The commentor refers to the Draft Nexus Study published by the County on the Winchester Community Plan web page and asks for clarification on what is meant by "entitled" or "entitlements" when used in context of the VMT Mitigation Fee. Refer to Response 4-2.
- 25-4 The commentor refers to the Draft Nexus Study published by the County on the Winchester Community Plan web page and asks about the VMT Mitigation Fee, specifically at which points in the entitlements process that a fee would be assessed and payable. Refer to Response 4-2.
- 25-5 Concerning the Draft Nexus Study, the commentor asks whether the VMT Mitigation Fee would be rescinded once the Transit Station and Park and Ride are built. Refer to Response 4-2.



4.0 DRAFT EIR TEXT REVISIONS

This section contains revisions to the text of the Winchester Community Plan Project Draft EIR dated July 2022. As provided in State CEQA Guidelines Section 15088(d), responses to comments may take the form of a revision to a Draft EIR or may be a separate section in the Final EIR. This section complies with the latter of these two guidelines and provides changes as a result of clarifications to, and comments received on, the Draft EIR. It includes minor revisions to the Draft EIR resulting from minor corrections or updates to Draft EIR information, including minor revisions made in response to several public comments submitted on the Draft EIR.

The following revisions are hereby made to the text of the Draft EIR. These changes do not add significant new information to the Final EIR that would require Draft EIR recirculation under State CEQA Guidelines Section 15088.5. For example, they do not disclose or suggest new or substantially more severe significant environmental impacts of the proposed project, nor do they disclose a new feasible mitigation measure or alternative considerably different than those analyzed in the Draft EIR that would clearly lessen the proposed project's significant effects. Revised or new language is underlined. All deletions are shown with a line through the text.

SECTION 1.0, EXECUTIVE SUMMARY

SECTION 1.3, PROJECT SUMMARY

Page 1-1

4. Amending the General Plan's Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Menifee Valley Area Plan to remove ~~revise the existing Highway 79 Policy Area language by removing and thereby remove~~ the 9% reduction in density for residential projects. This policy will be replaced with a fee on newly entitled dwelling units (not dwelling units already entitled), to fund mobility related improvements, such as but not limited to, a vehicle park-n-ride and transit station within the Winchester downtown core area. These revisions to remove the Highway 79 Policy Area ~~language~~ will be carried throughout the General Plan document, where necessary, for internal consistency. The Highway 79 Policy Area boundary includes approximately 50,061 acres. Additionally, revisions to several policies within the Area Plans to address the transition from level of service (LOS) to vehicle miles travelled (VMT) thresholds in environmental assessment such as this document.

SECTION 1.7, ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Page 1-19, Table ES-1, Summary of Project Impacts and Mitigation Measures

GHG-2 In lieu of a project-specific GHG analysis, a future discretionary project pursuant to the Riverside County General Plan shall incorporate into the project design,



operational features and/or Implementing Measures from the County Climate Action Plan, in such a manner as to garnish at least 100 points or the appropriate CAP metric at the time of CEQA review. The point values within the Climate Action Plan's Screening Tables constitute GHG emission reductions.

SECTION 3.0, PROJECT DESCRIPTION

SECTION 3.3, PROJECT CHARACTERISTICS

Page 3-4

Overall, the proposed general plan amendment (GPA No. 1207) would amend the Riverside County General Plan by:

1. Expansion of the existing Winchester Policy Area from approximately 287 acres to approximately ~~23,143~~ 23,153 acres of land within the General Plan's Harvest Valley/Winchester Area Plan.
4. Amending the General Plan's Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Meniffee Valley Area Plan to remove ~~revise~~ the existing Highway 79 Policy Area and therefore remove ~~language by removing~~ the 9% reduction in density for residential projects. This policy will be replaced with a fee on newly entitled dwelling units (not dwelling units already entitled), to fund mobility related improvements, such as but not limited to, a vehicle park-n-ride and transit station within the Winchester downtown core area. These revisions to remove the Highway 79 Policy Area language will be carried throughout the General Plan document, where necessary, for internal consistency. The Highway 79 Policy Area boundary includes approximately 50,061 acres. Additionally, revisions to several policies within the Area Plans to address the transition from level of service (LOS) to vehicle miles travelled (VMT) thresholds in environmental assessment such as this document.



Table 3-1: Proposed General Plan Land Use Changes

Land Use Designation	Acreage		
	Existing	Proposed	Change
Agricultural Foundation Component			
Agriculture (AG)	80	80	0
Rural Foundation Component			
Rural Residential (RR)	1,173	894 <u>603</u>	-279 <u>-570</u>
Rural Mountainous (RM)	1,622	1,590	-32
Rural Community Foundation Component			
Rural Community – EDR (RC-EDR)	1,424	43 <u>165</u>	-1,411 <u>-1,259</u>
Rural Community – LDR (RC-LDR)	0	421	421
Open Space Foundation Component			
Conservation (OS-C)	987	1,043	56
Conservation Habitat (OS-CH)	3,000	3,046 <u>3,015</u>	46 <u>15</u>
Water (OS-W)	2,705	2,705	0
Open Space Recreation (OS-R)	1,617	1,607 <u>1,608</u>	-40 <u>11</u>
Community Development Foundation Component			
Estate Density Residential (EDR)	741	741	0
Very Low Density Residential (VLDR)	314	182	-132
Low Density Residential (LDR)	500	388	-112
Medium Density Residential (MDR)	4,404	4,407 <u>4,539</u>	3 <u>135</u>
Medium-High Density Residential (MHDR)	456	724 <u>725</u>	268 <u>269</u>
High Density Residential (HDR)	164	164	0
Very High Density Residential (VHDR)	30	30	0
Highest Density Residential (HHDR)	33	33	0
Commercial Retail (CR)	504	394 <u>395</u>	-110 <u>-109</u>
Commercial Tourist (CT)	496	584 <u>592</u>	88 <u>96</u>
Light Industrial (LI)	288	465 <u>467</u>	177 <u>179</u>
Business Park (BP)	152	676 <u>682</u>	524 <u>530</u>
Public Facilities (PF)	1,656	1,579	-77
Mixed-Use Planning Area (MUA)	797	1,407 <u>1,400</u>	640 <u>603</u>
Total	23,143	23,143	--
Note: Numbers may not add due to rounding.			



Page 3-8

The project proposes to amend the County's Circulation Element by removing ~~revising~~ the existing Highway 79 Policy Area ~~language~~. Highway 79 is a State highway and is an important north-south regional transportation link that runs through the project area and connects multiple jurisdictions both north and south of the project area. This policy area was established by the County in an effort to address transportation infrastructure capacity within the policy area. In 2003, when the County adopted the General Plan, the necessary roadway infrastructure for Highway 79 did not exist to accommodate the amount of growth that was slated for the corridor. Therefore, the Highway 79 Policy Area was added to the General Plan, placing a nine percent reduction on new residential developments within the affected area. This nine percent reduction is taken from the midpoint density of the underlying General Plan land use designation.

As previously mentioned, in 2016, Caltrans issued a Record of Decision establishing a preferred alternative for the realignment of Highway 79. This alternative would realign and widen Highway 79 throughout the project area; thereby, providing improved circulation and traffic capacity for the area. As a result of the future improved capacity given the Caltrans Record of Decision and recent constructed and planned transportation projects in the area, the Highway 79 Policy Area would be removed, the nine percent residential reduction policy area language would be amended, and the General Plan would be updated accordingly. As such, the amended Policy would expand and allow for full development of residential uses throughout the Highway 79 Policy Area, increasing residential development capacity within by nine percent. No land use designation changes are proposed and the amendment is limited to removing the development restriction on residential uses.

SECTION 3.6, DISCRETIONARY APPROVALS

Page 3-11

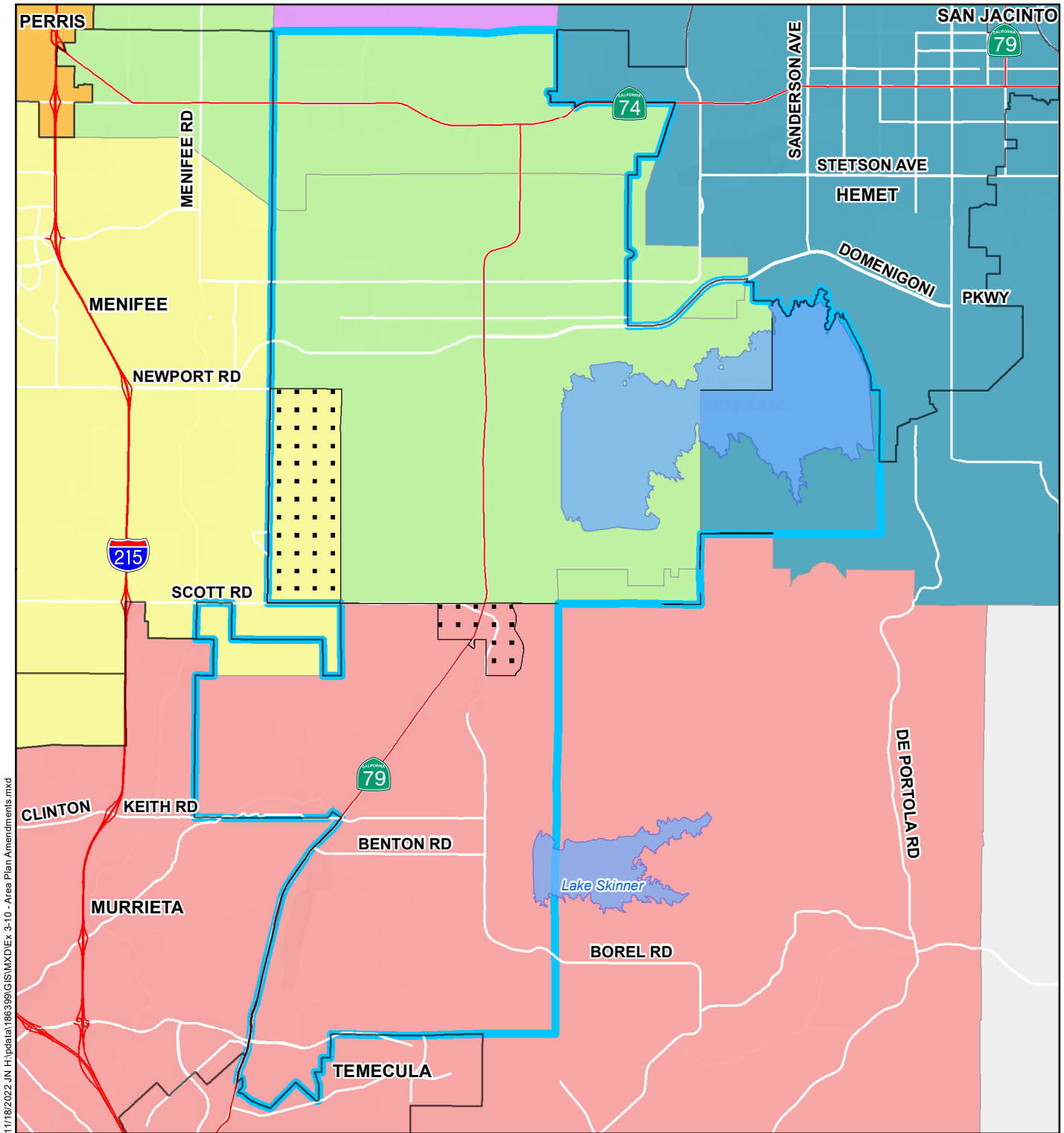
- The expansion of the existing Winchester Policy Area from the approximately 287 acres to approximately 23,143 ~~23,153~~ acres of land within the General Plan's Harvest Valley/Winchester Area Plan.
- Boundaries of the General Plan's Harvest Valley/Winchester, Sun City/Menifee and Southwest Area Plans will be modified so that the entire expanded Winchester Policy Area will fall within the boundaries of the Harvest Valley/Winchester Area Plan only.
- The modification to land use designations within the expanded Winchester PA, including Foundation Component amendments. Approximately 227 parcels (totaling 1,480-acres) are proposed for Foundation Component Amendments that include changes from the Rural and Rural Community components to the Community Development component. The environmental document will also include the analysis of consistency zoning revisions for approximately 921 parcels that will occur in the future as a result of the project.
- Amending the General Plan's Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Menifee Valley Area Plan to remove ~~revise~~ the existing Highway 79 Policy Area ~~language by removing and thereby remove~~ the 9%



reduction in density for residential projects. This policy will be replaced with a fee on newly entitled dwelling units (not dwelling units already entitled), to fund mobility related improvements, such as but not limited to, a vehicle park-n-ride and transit station within the Winchester downtown core area. These revisions to remove the Highway 79 Policy Area language will be carried throughout the General Plan document, where necessary, for internal consistency. The Highway 79 Policy Area boundary includes approximately 50,061 acres. Additionally, revisions to several policies within the Area Plans to address the transition from level of service (LOS) to vehicle miles travelled (VMT) thresholds in environmental assessment such as this document.

Page 3-22, Exhibit 3-10, Area Plan Amendments

See next page.



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Legend		Area Plan Boundaries	
	Highway 79 Policy Area		Harvest Valley / Winchester
	City Boundary		Lakeview / Nuevo
	Waterbodies		Mead Valley
			San Jacinto Valley
			Southwest Area
			Sun City / Menifee Valley
			Areas added to the Harvest Valley/Winchester Area Plan

Note: This exhibit has been revised to correctly denote the areas added to the Harvest Valley/Winchester Area Plan.



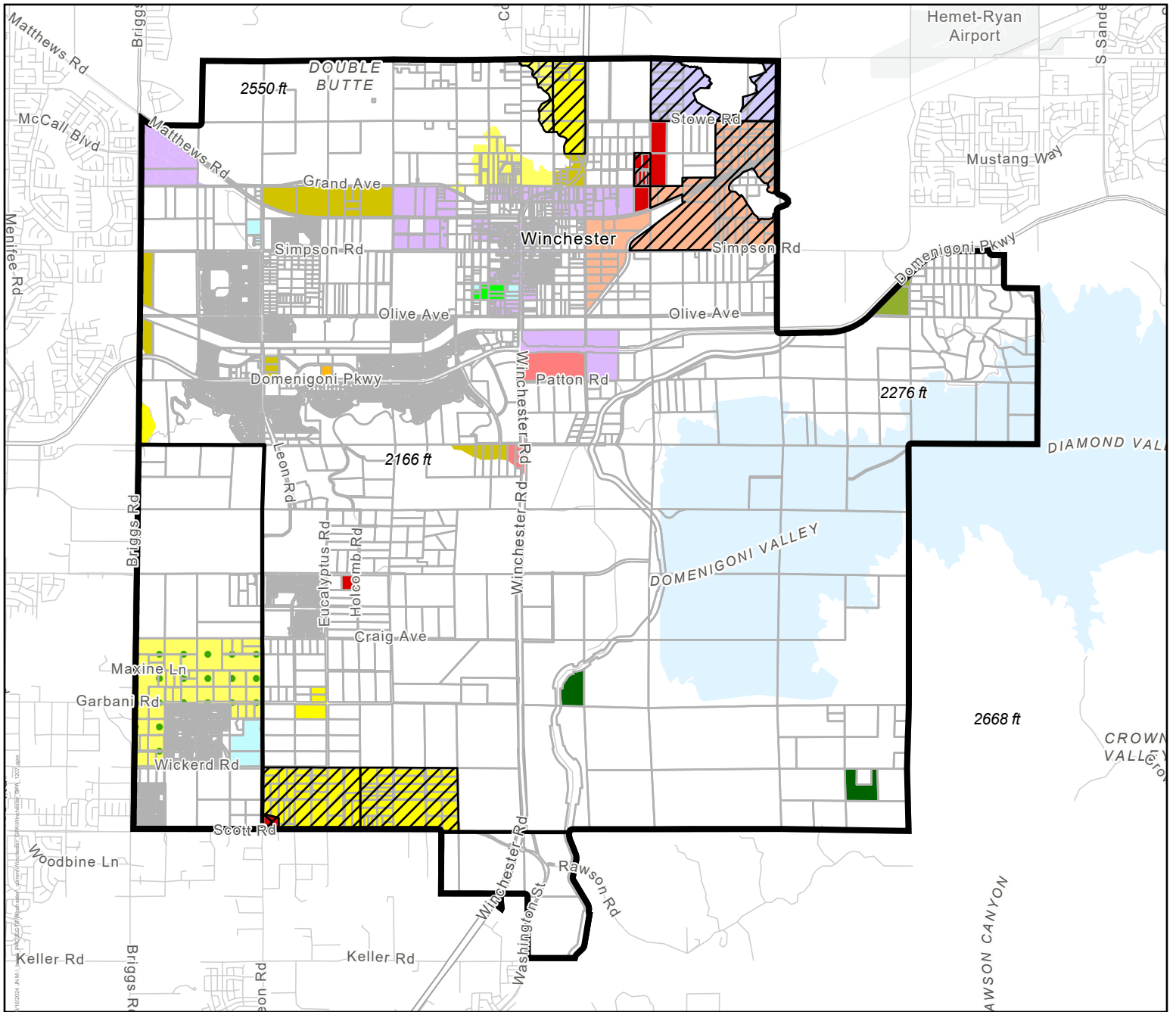
Source: County of Riverside, ESRI

WINCHESTER COMMUNITY PLAN
 ENVIRONMENTAL IMPACT REPORT
Area Plan Amendments

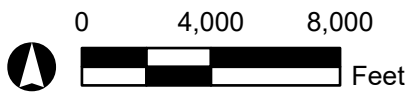


Page 3-23, Exhibit 3-11, Proposed Winchester Policy Area Land Use Designation Changes

See next page.



Area Plan Proposed Changes	Low Density Residential	Commercial Tourist	Conservation
Winchester Policy Area	Medium Density Residential	Light Industrial	Conservation Habitat
Foundation Component	Medium High Density Residential	Business Park	Open Space Recreation
Proposed Land Use Change			
Rural Community - Low Density Residential	Commercial Retail	Public Facilities	Mixed-Use Area



WINCHESTER COMMUNITY PLAN

Proposed Winchester Policy Area Land Use Designation Changes

Source: County of Riverside, ESRI



SECTION 4.8, GREENHOUSE GAS EMISSIONS

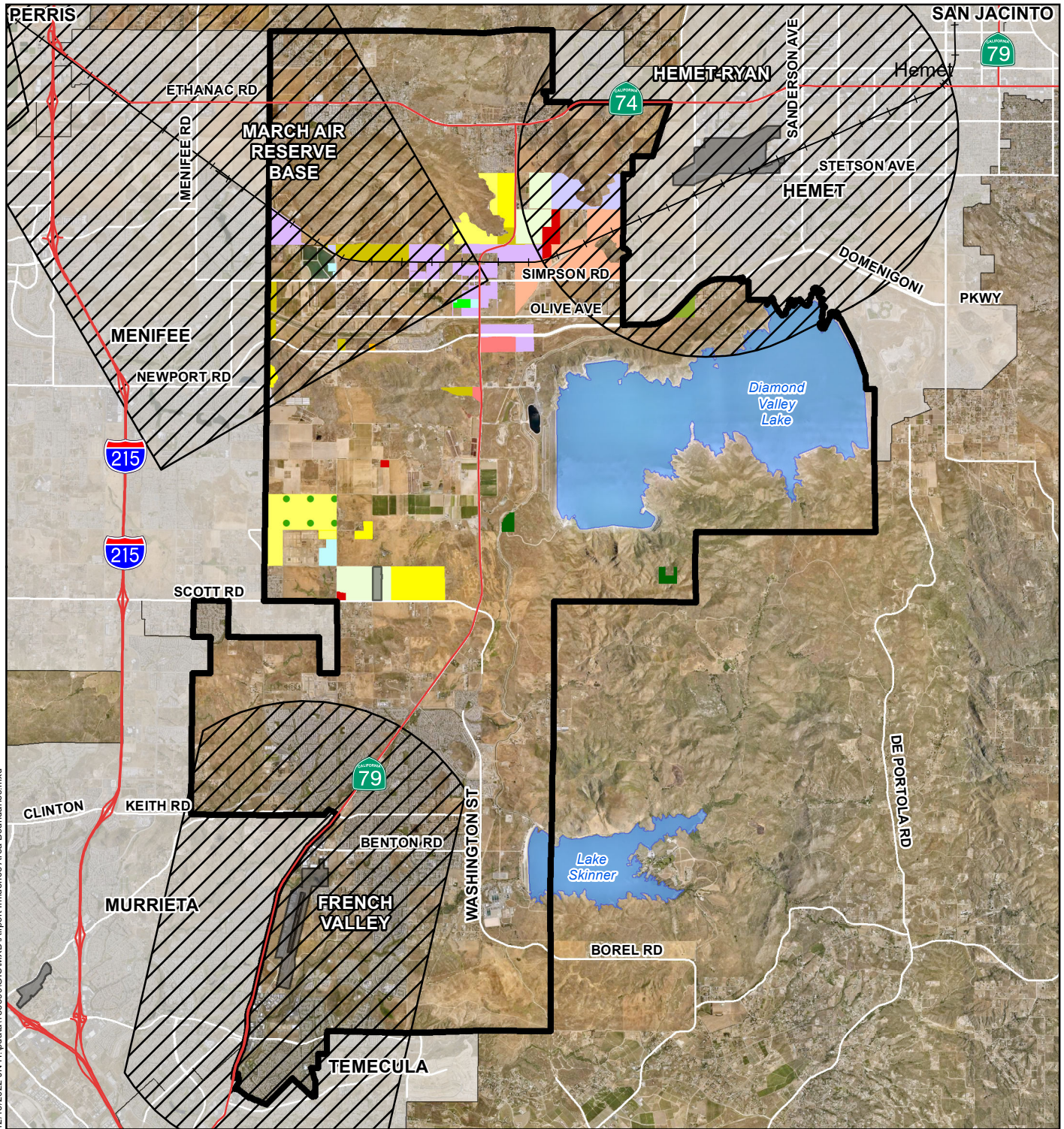
Page 4.8-29, Mitigation Measures

GHG-2 In lieu of a project-specific GHG analysis, a future discretionary project pursuant to the Riverside County General Plan shall incorporate into the project design, operational features and/or Implementing Measures from the County Climate Action Plan, in such a manner as to garnish at least 100 points or the appropriate CAP metric at the time of CEQA review. The point values within the Climate Action Plan's Screening Tables constitute GHG emission reductions.

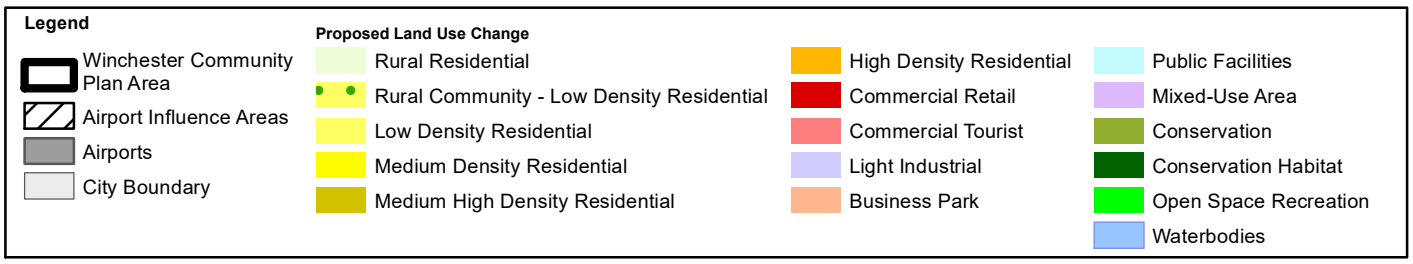
SECTION 4.9, HAZARDS AND HAZARDOUS MATERIALS

Page 4.9-31, Exhibit 4.9-1, Airport Influence Area Boundaries

See next page.



12/16/2022 JIN H:\pdata\1186395\GIS\MXD\Airport Influence Area Boundaries.mxd



Source: County of Riverside, ESRI

WINCHESTER COMMUNITY PLAN
 ENVIRONMENTAL IMPACT REPORT
Airport Influence Area Boundaries



SECTION 4.17, TRANSPORTATION

SECTION 4.17.4, IMPACTS AND MITIGATION MEASURES

Page 4.17-9

~~C 2.7 ——— Maintain a program to reduce overall trip generation in the Highway 79 Policy Area (Figure C-2) by creating a trip cap on residential development within this policy area which would result in a net reduction in overall trip generation of 70,000 vehicle trip per day from that which would be anticipated from the General Plan Land Use designations as currently recommended. The policy would generally require all new residential developments proposals within the Highway 79 Policy Area to reduce trip generation proportionally and require that residential projects demonstrate adequate transportation infrastructure capacity to accommodate the added growth.~~

Page 4.17-16

The project would amend the HVWAP, SWAP, SCMVAP, and SJVAP of the General Plan to remove revise the current Highway 79 Policy Area (PA) language ~~by removing and thereby~~ remove the nine percent reduction in density for residential projects. Revisions to remove the Highway 79 PA language would be carried throughout the General Plan document, where necessary, for internal consistency. Additionally, revisions to several policies within the Area Plans would occur as part of the project in order to address the transition from LOS to VMT thresholds in environmental assessment

Page 4.17-17

County of Riverside General Plan. The General Plan Circulation Element's intent, among others, is to provide a plan to achieve a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the General Plan's rural, suburban, or urban context. As discussed in Section 3.0, Project Description, the project proposes to amend the existing HVWAP, SWAP, SCMVAP, and SJVAP to remove revise the current Highway 79 PA language ~~by removing and thereby~~ remove the nine percent reduction in density for residential projects. The removal of this policy area would allow for full development of residential uses throughout the Highway 79 PA, increasing the potential residential development capacity within by nine percent. No land use designation changes are proposed associated with the amendment; it is limited to removing the development restriction on residential uses. Revisions to remove the Highway 79 PA language would be carried throughout the General Plan document, where necessary, for internal consistency.

Page 4.17-22

VMT Mitigation

As discussed previously, given the lack of specific information available for this community level plan, it is not possible to fully account for the effect of specific design principles, policies, and



improvements that would reduce VMT as part of the analysis. Although many of the VMT reducing design principles, policies, and improvements that are described above may ultimately mitigate and/or potentially reduce the VMT impacts outlined, necessary details to assure implementation and appropriately evaluate their effect are not yet available. As discussed previously, the proposed community plan has the potential to result in residential development that would exceed residential VMT thresholds. To reduce the impact associated with residential uses, Mitigation Measure TRA-1 would require the County to establish an ordinance creating an impact fee program for all residential units built in the Highway 79 Policy Area and Winchester Community Plan Boundary, ~~excluding units developed in the Downtown Core~~. The fee shall be developed through a nexus study process and shall be used to fund the development of a transit station and Park and Ride facility in the Downtown Core. Due to the lack of project-specific details of future development, even with the implementation of Mitigation Measure TRA-1, impacts would remain significant and unavoidable for residential development.

Page 4.17-23

TRA-1 Prior to commencement of residential development within the Winchester PA and Highway 79 PA (~~excluding areas in the Downtown Core~~), the County shall undertake a nexus study and adopt an ordinance creating a Vehicle Miles Travelled (VMT) Mitigation Fee for the Community Plan Area. The VMT Mitigation Fee shall consist of a flat fee applied to any new development within the abovementioned areas and shall fund the development of a Transit Station and Park and Ride facility in the Downtown Core. ~~The Mitigation Fee shall not be applied to any residential units developed in the Downtown Core.~~ The ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy Areas (~~excluding residential development within the Downtown Core~~).

SECTION 6.3, GROWTH INDUCING IMPACTS

Page 6-4

In addition, the project area is also served by a network of existing streets with regional access provided by major highways. Regional access to the project area is provided by the State Route 74 and 79 (SR-74 and SR-79); refer to Section 4.17. Highway 79 is a State highway and is an important north-south regional transportation link that runs through the project area and connects multiple jurisdictions both north and south of the project area. In 2003, when the County adopted the General Plan, the necessary roadway infrastructure for Highway 79 did not exist to accommodate the amount of growth that was slated for the corridor. Therefore, the Highway 79 Policy Area was added to the General Plan, placing a nine percent reduction on new residential developments within the affected area. In 2016, Caltrans issued a Record of Decision establishing a preferred alternative for the realignment of Highway 79. This alternative would realign and widen Highway 79 throughout the project area; thereby, providing improved circulation and traffic capacity for the area. The amended Policy would remove ~~expand for full development of residential uses throughout the Highway 79 PA,~~ increasing residential development capacity within by nine percent. Therefore, implementation of the proposed project



would not remove an existing impediment to growth through the provision of new access to an area.

SECTION 7.0, ALTERNATIVES TO THE PROPOSED PROJECT

SECTION 7.1, PROJECT SUMMARY

Page 7-2

4. Amending the General Plan's Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan and Sun City/Menifee Valley Area Plan to remove ~~revise~~ the current Highway 79 PA and therefore remove ~~language by removing~~ the 9% reduction in density for residential projects. Revisions to remove the Highway 79 PA language would be carried throughout the General Plan document, where necessary, for internal consistency. This policy area covers approximately 26,908 acres. Additionally, revisions to several policies within the Area Plans to address the transition from level of service (LOS) to vehicle miles travelled (VMT) thresholds in environmental assessment such as this document.



WINCHESTER COMMUNITY PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE NO.: 2019049114

AUGUST 2024

SUBMITTED TO
**RIVERSIDE COUNTY
PLANNING DEPARTMENT**
4080 Lemon Street, 12th Floor
Riverside, CA 92501

PREPARED BY
MICHAEL BAKER INTERNATIONAL

Michael Baker
INTERNATIONAL

COUNTY OF RIVERSIDE

WINCHESTER COMMUNITY PLAN PROJECT

FINAL ENVIRONMENTAL IMPACT REPORT

SCH No. 2019049114



County of Riverside
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501
Contact: Paul Swancott, Contract Planner
Pswancott@rivco.org

August 2024



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1.0 INTRODUCTION

In accordance with California Environmental Quality Act Guidelines (CEQA Guidelines) Section 15088, the County of Riverside, as the lead agency, has evaluated the comments received on the Winchester Community Plan Project Draft Environmental Impact Report (Draft EIR) (State Clearinghouse No. 2019049114).

The Draft EIR for the proposed Winchester Community Plan Project (“project”) was distributed to responsible and trustee agencies, interested groups, and organizations. The Draft EIR was made available for public review and comment for a period of 45 days. The public review period for the Draft EIR established by the State CEQA Guidelines commenced on July 5, 2022 and concluded on August 19, 2022. It is noted that the County of Riverside extended the Draft EIR public review period from August 19, 2022 to September 23, 2022.

The Final EIR consists of the following components:

- Section 1.0 – Introduction
- Section 2.0 – Draft EIR Public Review Summary
- Section 3.0 – Response to Draft EIR Comments
- Section 4.0 – Draft EIR Text Revisions

Due to its length, the text of the Draft EIR is not included with this document; however, it is included by reference in this Final EIR. None of the corrections or clarifications to the Draft EIR identified in this document constitutes “significant new information” pursuant to State CEQA Guidelines Section 15088.5. As a result, a recirculation of the Draft EIR is not required.



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2.0 DRAFT EIR PUBLIC REVIEW SUMMARY

The Draft EIR for the proposed project was circulated to affected public agencies and interested parties for a 45-day review period from July 5, 2022, through August 19, 2022. It is noted that the County of Riverside extended the Draft EIR public review period from August 19, 2022 to September 23, 2022. The County undertook the following actions to inform the public of the availability of the Draft EIR:

- A Notice of Availability of the Draft EIR was published on the County's website (<https://planning.rctlma.org/winchester-communityplan>);
- Notification of the availability of the Draft EIR was mailed to project-area residents and other members of the public who had indicated interest in the project;
- The Draft EIR was posted to the State Clearinghouse CEQANet Web Portal on July 5, 2022, as well as sent to various governmental agencies, organizations, businesses, and individuals (see Section 3.0 for a list of agencies, organizations, businesses, and individuals that commented on the Draft EIR); and
- Copies of the Draft EIR were made available on the County's website (<https://planning.rctlma.org/winchester-communityplan>), and at the Riverside County Planning Department (4080 Lemon Street, 12th Floor, Riverside, CA 92501). In addition, a USB containing the Draft EIR was provided to the French Valley Library (31526 Skyview Road, Winchester, CA 92596).



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3.0 RESPONSES TO DRAFT EIR COMMENTS

In accordance with State CEQA Guidelines Section 15088, this document includes written responses to comments raising significant environmental issues received by the County of Riverside on the Draft EIR.

Comments are organized under headings containing the source of the letter and its date. The specific comments from each of the letters and/or emails are presented with each response to that specific comment directly following. Comments received on the Draft EIR are listed below.

COMMENT LETTER No.	PERSON, FIRM, OR AGENCY	LETTER DATED
1	Kathee Smith, Resident	July 7, 2022
2	Juanita Fernandez, Resident	July 7, 2022
3	Michael Morris, Planning and Rules Manager, South Coast Air Quality Management District	July 26, 2022
4	Trip Hord	August 1, 2022
5	Carl Rheingans, Resident	August 8, 2022
6	Michele A. Staples, Jackson Tidus	August 11, 2022
7	Kim Wortman, President, Winchester-Homeland Town Association	August 11, 2022
8	Dan Boyd, Vice President – Entitlements, D.R. Horton	August 12, 2022
9	Casey Mungo, Resident	August 12, 2022
10	Nate, Resident	August 13, 2022
11	Larry Markham, Markham DS	August 15, 2022
12	Demian Boettcher, Principal Civil Engineer, Eastern Municipal Water District	August 16, 2022
13	Steven Keung, Resident	August 16, 2022
14	Mark Hayden, Vice President, CADO Indigo, LLC & CADO Tangerine, LLC	August 16, 2022
15	Samuel C. Alhadeff, Lewis Brisbois Bisgaard & Smith, LLP	August 17, 2022
16	Paul Onufer, Manager, JPMB Investments, LLC	August 17, 2022
17	Joel Morse, T&B Planning, Inc.	August 17, 2022
18	David Chantarangsu, Development Services Director, City of Murrieta	August 19, 2022
19	Michele A. Staples, Jackson Tidus	September 19, 2022
20	Paul W. Pitingaro, Lansing Companies	September 19, 2022
21	Cheryl Kitzerow & Nicolas Fidler, City of Menifee	September 20, 2022
22	Luke Watson, Deputy City Manager, City of Temecula	September 23, 2022

3.0 Responses to Draft EIR Comments



COMMENT LETTER NO.	PERSON, FIRM, OR AGENCY	LETTER DATED
23	David Chantarangsu, Development Services Department Director, City of Murrieta	September 23, 2022
24	Grant and Marsha Becklund, Residents	September 23, 2022
25	Joel Morse, T&B Planning, Inc.	September 26, 2022

To: Baeza, Manuel <MBaeza@Rivco.org>
Cc: Richard Smith <rlsmith7176@live.com>
Subject: NOTICE - Winchester Community Plan

CAUTION: This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Hello Manuel,

Received your notice and of course I find it a bit overwhelming.

In a nutshell, can you tell me how this matter will affect my property at 34440 Marvin Hull Road 92595?

Where in the Draft EIR, on your website, can I find information pertaining to this address?

Thank you.

Kathee Smith
(949) 291-6807

Confidentiality Disclaimer

This email is confidential and intended solely for the use of the individual(s) to whom it is addressed. The information contained in this message may be privileged and confidential and protected from disclosure. If you are not the author's intended recipient, be advised that you have received this email in error and that any use, dissemination, forwarding, printing, or copying of this email is strictly prohibited. If you have received this email in error please delete all copies, both electronic and printed, and contact the author immediately.

[County of Riverside California](#)



Response No. 1
Kathee Smith, Resident
July 7, 2022

- 1-1 The commentor asks for clarification on the notices they received in regard to the Draft EIR. They ask for a summary of how their property would be affected by the project, and ask for resources where they can find information. County Staff has responded to the inquiry and directed the commentor to Draft EIR Exhibit 3-11, *Proposed Winchester Policy Area Land Use Designation Changes*, as well as the Map My County online GIS for current and proposed land use changes. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis under CEQA. Therefore, no further response is warranted.

From: billing@louiesnursery.com <billing@louiesnursery.com>
Sent: Thursday, July 7, 2022 10:38 AM
To: Baeza, Manuel <MBaeza@Rivco.org>
Subject: General plan amendment no.1207

2-1

Good Morning,
My name is Juanita Fernandez and I received a notice of availability and completion of the draft environmental impact report for the Winchester community plan (General Plan amendment no. 1207). Is this just a notification or am I being asked to complete or comply to something specific as I couldn't decipher from the notice. Thank you in advance.

2225 St. Lawrence
Riverside ca 92504
[Brandy Hills](#)

[Office Manager](#)



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Riverside, CA 92504
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Response No. 2

Juanita Fernandez, Resident

July 7, 2022

2-1 The commentor asks for clarification on the notices they received in regard to the Draft EIR. They ask if they are required to take any action. County Staff has responded to the inquiry and informed that commentor that the notice is only to inform them as a property owner of the proposed changes associated with the project. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

July 26, 2022

mbaeza@rivco.org

Manuel Baeza, Principal Planner
County of Riverside, Planning Department
4080 Lemon Street, 12th Floor
Riverside, California 92501

Draft Environmental Impact Report for the Winchester Community Plan (GPA No. 1207) (Proposed Project)

3-1

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send a copy of the Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

3-2

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road

¹ South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

² CalEEMod is available free of charge at: www.caleemod.com.

³ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment⁵.

The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*⁶ is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process with additional guidance on strategies to reduce air pollution exposure near high-volume roadways available in CARB's technical advisory⁷.

The South Coast AQMD's *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*⁸ includes suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. It is recommended that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook¹, South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2016 Air Quality Management Plan⁹, and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy¹⁰.

Health Risk Reduction Strategies

Many strategies are available to reduce exposures, including, but are not limited to, building filtration systems with MERV 13 or better, or in some cases, MERV 15 or better is recommended; building design, orientation, location; vegetation barriers or landscaping screening, etc. Enhanced filtration units are capable of reducing exposures. However, enhanced filtration systems have limitations. For example, in a

⁵ South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁶ CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>.

⁷ CARB's technical advisory can be found at: <https://www.arb.ca.gov/ch/landuse.htm>.

⁸ South Coast AQMD. 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Available at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

⁹ South Coast AQMD's 2016 Air Quality Management Plan can be found at: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf> (starting on page 86).

¹⁰ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.

study that South Coast AQMD conducted to investigate filters¹¹, a cost burden is expected to be within the range of \$120 to \$240 per year to replace each filter panel. The initial start-up cost could substantially increase if an HVAC system needs to be installed and if standalone filter units are required. Installation costs may vary and include costs for conducting site assessments and obtaining permits and approvals before filters can be installed. Other costs may include filter life monitoring, annual maintenance, and training for conducting maintenance and reporting. In addition, because the filters would not have any effectiveness unless the HVAC system is running, there may be increased energy consumption that the Lead Agency should evaluate in the Draft EIR. It is typically assumed that the filters operate 100 percent of the time while residents are indoors, and the environmental analysis does not generally account for the times when the residents have their windows or doors open or are in common space areas of the project. These filters have no ability to filter out any toxic gases. Furthermore, when used filters are replaced, replacement has the potential to result in emissions from the transportation of used filters at disposal sites and generate solid waste that the Lead Agency should evaluate in the Draft EIR. Therefore, the presumed effectiveness and feasibility of any filtration units should be carefully evaluated in more detail prior to assuming that they will sufficiently alleviate exposures to diesel particulate matter emissions.

3-5 South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at mmorris@aqmd.gov.

Sincerely,

Michael Morris

Michael Morris

Planning and Rules Manager, CEQA IGR

Planning, Rule Development & Area Sources

MM
RVC220712-01
Control Number

¹¹ This study evaluated filters rated MERV 13 or better. Accessed at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/aqmdpilotstudyfinalreport.pdf>. Also see 2012 Peer Review Journal article by South Coast AQMD: <https://onlinelibrary.wiley.com/doi/10.1111/ina.12013>.



Response No. 3

Michael Morris, Planning and Rules Manager, South Coast Air Quality Management District

July 26, 2022

3-1 This comment includes introductory language for the comment letter and includes requests for a copy of the Draft EIR and relevant supporting documents to be sent for review by the South Coast Air Quality Management District (SCAQMD). The comment is acknowledged. On July 5th, 2022, a Notice of Availability that included a link to Draft EIR and supporting documents were mailed to SCAQMD, in the care of Lijin Sun at 21865 East Copley Drive, Diamond Bar, CA 91765-4182. In addition, County staff provided electronic versions of all emission calculation spreadsheets and air quality modeling input and output files to SCAQMD on August 3, 2022. Responses to specific comments are provided below.

3-2 This comment includes recommendations made by SCAQMD to the Lead Agency for analysis of air quality and greenhouse gas impacts. The first recommendation is for the Lead Agency to use SCAQMD's *CEQA Air Quality Handbook* and website as guidance. This would include using the CalEEMod land use emission software to estimate the project's pollutant emissions, then comparing to SCAQMD's regional and localized significance thresholds. The Draft EIR makes multiple references to the SCAQMD *CEQA Air Quality Handbook*, including on Draft EIR page 4.3-20, where the SCAQMD Thresholds of Significance are tabulated. On Draft EIR page 4.3-26, it is stated that "the types and amounts of future development were entered into CalEEMod pursuant to the project characteristics described in Section 3.0." Draft EIR Table 4.3-6, *Estimated Unmitigated Operation Emissions*, shows the comparison of projected emissions to the thresholds of significance determined by SCAQMD.

Additionally, the commentor recommends that the Lead Agency identify any potential adverse air quality impacts that could occur from all phases of the project, such as construction impacts and operational impacts.

The Draft EIR addresses expected construction emissions in Impact AQ-2, on Draft EIR page 4.3-24. It describes the various sources of construction emissions, such as fugitive dust, exhaust, grading/hauling, and asbestos. Information regarding specific developments, construction phase timing, earthwork volumes, and the locations of receptors would be needed to quantify construction-related impacts. All future development would be subject to the County's development review process and would be required to demonstrate consistency with County General Plan policies and Riverside County regulations. Depending on how development proceeds, construction-related emissions associated with future development facilitated by the project could exceed SCAQMD thresholds of significance. However, Mitigation Measure AQ-1 would require all future development projects subject to CEQA to prepare air quality analyses in accordance with SCAQMD guidance. As a result, projects may be required to implement additional mitigation measures in order to reduce air pollutant emissions.

The Draft EIR addresses operational impacts on page 4.3-26, stating that most of the operational emissions from future development facilitated by the project would be mobile source emissions due to vehicle trips to, from, and within the project area and local region. Stationary source emissions would result from gas consumption for space and water heating, landscape maintenance equipment operations, and use of consumer products. As stated above, CalEEMod was used to determine anticipated pollutant emissions for the project. Draft



3.0 Responses to Draft EIR Comments

EIR Table 4.3-6, *Estimated Unmitigated Operation Emissions*, shows potential emissions from the proposed project exceeding SCAQMD thresholds. However, development would be subject to compliance with General Plan policies which promote the reduction of mobile source and stationary source emissions, as well as CEQA review and SCAQMD compliance.

3-3 The commentor describes the State CEQA Guidelines Section 21002 requirement that all feasible mitigation measures must be implemented in the case where the project results in significant impacts. The Draft EIR has appropriately addressed air quality impacts as required by CEQA. The project's impacts regarding air quality are discussed in Draft EIR Section 4.3, *Air Quality*. The Draft EIR concluded that the project would result in a significant and unavoidable impact and a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard during construction. However, future projects developed in the project area would be required to implement mitigation measures to reduce air quality impacts to the extent feasible. Mitigation Measures AQ-1 through AQ-9, included in Draft EIR Section 4.3, *Air Quality*, are applicable to the project:

AQ-1 To identify potential long-term operational-related air quality impacts from projects subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects), project-specific construction and operational air emissions impacts shall be determined in compliance with the latest version of the SCAQMD CEQA Guidelines. The results of the air emissions analyses shall be included in the development project's CEQA documentation. If such analyses identify potentially significant air quality impacts, the County shall require the incorporation of appropriate mitigation to reduce such impacts as required by CEQA and General Plan Policy AQ 4.7.

AQ-2 The County of Riverside shall require applicants of future developments within the project area to implement the following applicable Rule 403 measures (or the latest applicable measures if amended by SCAQMD):

- Apply nontoxic chemical soil stabilizers according to manufacturer specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
- Water active sites at least twice daily. (Locations where grading is to occur will be thoroughly watered prior to earthmoving.)
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered, or should maintain at least 2 feet of freeboard in accordance with the requirements of California Vehicle Code Section 23114 (freeboard means vertical space between the top of the load and top of the trailer).
- Pave construction access roads at least 100 feet onto the site from main road.
- Traffic speeds on all unpaved roads shall be reduced to 15 mph or less.



AQ-3 The County of Riverside shall require applicants of future developments within the project area to implement the following additional SCAQMD CEQA Air Quality Handbook dust measures (or the latest applicable measures if amended by SCAQMD):

- Revegetate disturbed areas as quickly as possible.
- All excavating and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 mph.
- All streets shall be swept once a day if visible soil materials are carried to adjacent streets (recommend water sweepers with reclaimed water).

AQ-4 The County of Riverside shall require applicants of future developments within the project area to implement the following mitigation measures for construction equipment and vehicles exhaust emissions:

- The construction contractor shall select the construction equipment used onsite based on low emission factors and high energy efficiency.
- The construction contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer specifications.
- The construction contractor shall utilize electric- or diesel-powered equipment, in lieu of gasoline-powered engines, where feasible.
- The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use.
- During smog season (May through October), the overall length of the construction period will be extended, thereby decreasing the size of the area prepared each day, to minimize vehicles and equipment operating at the same time.
- The construction contractor shall time the construction activities so as to not interfere with peak hour traffic and minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flag person shall be retained to maintain safety adjacent to existing roadways.
- The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.
- Dust generated by the development activities shall be retained on-site and kept to a minimum by following the dust control measures listed below.
 - a. During clearing, grading, earthmoving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease.



- b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the late morning, after work is completed for the day and whenever wind exceeds 15 miles per hour.
- c. Immediately after clearing, grading, earthmoving, or excavation is completed, the entire area of disturbed soil shall be treated until the area is paved or otherwise developed so that dust generation will not occur.
- d. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- e. Trucks transporting soil, sand, cut or fill materials and/or construction debris to or from the site shall be tarped from the point of origin.

AQ-5 The County of Riverside shall verify that the construction contractor of any development occurring within the project area waters all disturbed areas and stockpiles at least three times per day or applies soil stabilizers as necessary to prevent visible dust plumes from these areas. Stockpiles not in use may be covered with a tarp to eliminate the need for watering or other stabilizers.

AQ-6 Prior to construction, the County of Riverside shall verify that individual development specifications require all construction equipment have EPA-rated engines of Tier 3 or better. The equipment design specifications data sheets shall be submitted to the County for verification, and shall be kept onsite by the project contractor during construction activities.

AQ-7 As soon as electric utilities are available at construction sites, the construction site shall be supplied with electricity from the local utility and all equipment that can be electrically operated shall use the electric utility rather than portable generators.

AQ-8 The County of Riverside shall require minimum distances between potentially incompatible land uses, as described below, unless a project-specific evaluation of human health risks defines, quantifies, and reduces the potential incremental health risks through site design or the implementation of additional reduction measures to levels below applicable standards (e.g., standards recommended or required by CARB and/or SCAQMD).

SCAQMD Jurisdiction (or the latest applicable standard if amended by SCAQMD):

- a) Proposed dry cleaners and film processing services that use perchloroethylene must be sited at least 500 feet from existing sensitive land uses including residential, schools, daycare facilities, congregate care facilities, hospitals or other places of long-term residency for people.
- b) Proposed auto body repair services shall be sited at least 500 feet from existing sensitive land uses.



- c) Proposed gasoline dispensing stations with an annual throughput of less than 3.6 million gallons shall be sited at least 50 feet from existing sensitive land uses. Proposed gasoline dispensing stations with an annual throughput at or above 3.6 million gallons shall be sited at least 300 feet from existing sensitive land uses.
- d) Other proposed sources of TACs including furniture manufacturing and repair services that use methylene chloride or other solvents identified as a TAC shall be sited at least 300 feet from existing sensitive land uses.
- e) Avoid siting distribution centers that accommodate more than 100 truck trips per day (or more than 40 truck trips operating transport refrigeration units per day, or where transportation refrigeration units operate more than 300 hours per week) within 1,000 feet of existing sensitive land uses.
- f) Proposed sensitive land uses shall be sited at least 500 feet from existing freeways, major urban roadways with 100,000 vehicles per day or more and major rural roadways with 50,000 vehicles per day or more.
- g) Proposed sensitive land uses shall be sited at least 500 feet from existing dry cleaners and film processing services that use perchloroethylene.
- h) Proposed sensitive land uses shall be sited at least 500 feet from existing auto body repair services.
- i) Proposed sensitive land uses shall be sited at least 50 feet from existing gasoline dispensing stations with an annual throughput of less than 3.6 million gallons and 300 feet from existing gasoline dispensing stations with an annual throughput at or above 3.6 million gallons.
- j) Proposed sensitive land uses shall be sited at least 300 feet from existing land uses that use methylene chloride or other solvents identified as a TAC.
- k) Proposed sensitive land uses shall be sited at least 1,000 feet from existing distribution centers that accommodate more than 100 trucks per day, accommodate more than 40 trucks per day with transportation refrigeration units, or where transportation refrigeration units operate more than 300 hours per week.

3-4 The commentator lists the variety of strategies that are available to reduce health risk exposures. They also describe limitations of filtration systems and offer suggestions for evaluating these limitations in the Draft EIR. As described throughout the Draft EIR, the Winchester Community Plan does not identify specific development projects. As such, any additional analysis related to air quality emissions would be speculative in nature, and would be more appropriately and accurately assessed on a project-by-project basis. According to State CEQA Guidelines Section 15146(b), an EIR prepared for a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might



follow. In addition, future development would be required to comply with building codes and energy standards, as well as all listed mitigation measures, which are established to reduce air pollutant emissions.

- 3-5 This comment provides concluding remarks, offering the availability of SCAQMD staff to assist with air quality, greenhouse gas, and health risk assessments. This comment is acknowledged and does not raise an environmental issue. As such, no further response is necessary.

From: Trip Hord <ambrosehord@gmail.com>
Sent: Monday, August 1, 2022 11:33 AM
To: Baeza, Manuel <MBaeza@Rivco.org>
Subject: Public Review Draft EIR - Winchester Community Plan

Manuel:

4-1 | Please accept the following comments on the DEIR for the Winchester Community Plan.
These comments are primarily oriented to the Highway 79 Density Policy changes that are recommended.

4-2 | Executive Summary: PDF Page 36/612
Mitigation Measures - TRA 2 (Vehicle Miles Travelled)
Comment: The TRA-1 Mitigation Measure references "any new development" will be required to pay the VMT Fee. Please confirm that this VMT Fee does not apply to new Commercial or Industrial development within the PA.

4-3 | Section 4.17 - VMT Mitigation (PDF Page 465/612)
TRA-1 Mitigation Measure.
Comment: Please clarify whether the VMT Fee (TRA-1 MM) applies to existing residential entitlements. The Draft TRA-1 language does not specify or qualify whether approved residential projects can proceed to building permit issuance.

Trip Hord
(909) 553-5792



Response No. 4
Trip Hord
August 1, 2022

- 4-1 This comment provides a general introduction. Responses to specific comments are provided below.

The commentor asks for clarification of Mitigation Measure TRA-1 and whether the measure will apply to new commercial or industrial development. Draft EIR Mitigation Measure TRA-1 states:

Prior to commencement of *residential development* within the Winchester PA and Highway 79 PA (excluding areas in the Downtown Core), the County shall undertake a nexus study and adopt an ordinance creating a Vehicle Miles Traveled (VMT) Mitigation Fee for the Community Plan Area. The VMT Mitigation Fee shall consist of a flat fee applied to any new development within the abovementioned areas and shall fund the development of a Transit Station and Park and Ride facility in the Downtown Core. The Mitigation Fee shall not be applied to any residential units developed in the Downtown Core. The ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for *any residential development* in the Winchester and Highway 79 Policy Areas (excluding residential development within the Downtown Core). (*Emphasis added*)

- 4-2 Based on the programmatic nature of the Winchester Community Plan and since future site-specific development projects are considered speculative, Mitigation Measure TRA-1 was crafted to reduce the anticipated VMT impact associated with residential uses. Mitigation Measure TRA-1 is consistent with the County's policy to mitigate the cumulative and indirect traffic impacts of development through the payment of impact mitigation fees [...] to the extent that these programs provide funding for the improvement of facilities impacted by development (General Plan Circulation Element Policy C-2.5). However, despite implementation of Mitigation Measure TRA-1, the project would result in a significant unavoidable impact concerning the Winchester Policy Area and Highway 79 Policy Area's residential land uses in aggregate exceeding the threshold under all plus project scenarios and the Highway 79 PA's Employment-Based VMT land uses (excluding retail) exceeding the threshold under both scenarios.

The Draft EIR states that non-residential (employment and retail) uses are explicitly excluded from the fee since the project's SB 743 Analysis determined that impacts associated with these uses would be less than significant; refer to Draft EIR page 4.17-22. Mitigation Measure TRA-1 would not apply to new commercial or industrial development in this regard.

While Mitigation Measure TRA-1 is intended to reduce the anticipated VMT impact associated with the Winchester Community Plan, it is noted that the Draft Nexus Study was made available for public review on September 8, 2022 on the County website to support and justify



the VMT Mitigation Fee, and a Final version of the Nexus Study is in process and will be made available for review. As outlined in the Draft Nexus Study, the Mitigation Fee is applicable to all new single-family residential development for each unit/parcel that is entitled/approved after the adoption/effective date of the Ordinance. The fee applies to all new residential development within the Winchester Policy Area. The fee does not apply to the identified Downtown Core/Town Center area or commercial/industrial entitlement/uses. This fee also applies to new single-family residential entitlements within existing adopted/approved Specific Plans. Therefore, provided the processing requirements are met pursuant to the Mitigation Fee Act and the Board approves the nexus study and requisite fee, the fee will become a new impact fee for any future residential projects that require an entitlement. As this will be a new fee, it will apply to any new residential entitlement same as any development impact fee, regardless of the prior CEQA that was already completed.

- 4-3 The commentor asks for clarification on whether the Draft VMT Mitigation Fee Ordinance/Nexus Study described in Mitigation Measure TRA-1 of the Draft EIR would apply to existing residential entitlements. Refer to Response 4-2 above.

Carl Rheingans
P. O. Box 99
Winchester, CA 92596
August 8, 2022

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

Regarding: Winchester Community Plan (GPA No. 1207)
State Clearinghouse No. 2019049114
Principal Planner: Manuel Baeza

Dear Mr. Baeza,

5-1 | Our family owns parcel 465-060-004 in Winchester which is located south of Stetson Avenue, east of Winchester Road, West of Richmond Road and north of Stowe Road. The Parcel contains approximately 14 acres of commercial zoning and 42 acres of medium density residential zoning on the 56 acres.

5-2 | Considering the current housing shortage and affordability issues we now face, we would like to request an increased density for the residential portion of the property. We want to be on record requesting single family housing with a density of 8 to 10 housing units per acre for the approximately 42 acres zoned medium residential.

Thank you for your consideration in this matter.

Sincerely,



Carl Rheingans



Response No. 5
Carl Rheingans, Resident
August 8, 2022

- 5-1 This comment provides a general introduction. Responses to specific comments are provided below.
- 5-2 The commentor expresses concern over the current housing shortage and affordability, and requests that the County increase housing density on a portion of the parcel they own. This request will be provided to decision makers during project deliberations. The comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis. Therefore, no further response is warranted. (State CEQA Guidelines §15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues).



August 11, 2022

Direct Dial: 949.851.7409
Email: mstaples@jacksontidus.law
Reply to: Irvine Office
File No: 4063-28900

VIA ELECTRONIC MAIL (mbaeza@rivco.org)

Manuel Baeza
County of Riverside
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Re: Winchester Community Plan

Dear Mr. Baeza:

6-1

Our firm represents the Domenigoni-Barton Properties entities, owners of approved Specific Plan No. 310 providing land use, circulation, conservation and infrastructure guidance for development of a mixed use community including up to 4,186 residential units on approximately 1,734.5 acres of land in the Winchester area. For the reasons discussed below, ***we request an extension of the comment period for the Draft Environmental Impact report for the Winchester Community Plan (General Plan Amendment No. 1207) from August 19, 2022 to 30 days after the Nexus Study is made available for public review.***

6-2

The Winchester community has been working with Riverside County for many years on GPA No. 1207 and the land use changes depicted on Exhibit 3-11 in the Draft EIR. Although there are only a few areas requesting changes in land use designations, the County is proposing programs as part of GPA No. 1207 that have not been vetted with the Winchester community and, if approved, would affect the entire Highway 79 Policy Area. For example, the County proposes Mitigation Measure TRA-1 that appears to impose an open-ended moratorium on all development throughout the policy area pending completion of a nexus study and adoption of a future ordinance creating a VMT Mitigation Fee. Additional time is required for the affected public, including the Domenigoni-Barton Properties entities, to understand and comment on the scope and intent of the County’s new proposals and their adverse land use impacts and other potential environmental impacts.

Delaying development indefinitely and imposing a VMT Mitigation Fee on approved projects such as SP 310 with a certified environmental impact report violates both state housing laws and the California Environmental Quality Act (“CEQA”). The state housing laws address the current housing crisis by encouraging residential development of projects that are

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consistent with approved land use and zoning such as SP 310. Also, CEQA prohibits the County from requiring additional environmental analysis unless there are substantial changes or substantial new information. (Pub. Res. Code § 21166.) Any proposed new VMT Mitigation Fee would be irrelevant to SP 310 and should not delay development of the specific plan because, when SP 310 was approved, Level of Service was the applicable threshold, not VMT. The use of the new VMT analysis as a threshold for evaluating traffic impacts does not affect the assessment of SP 310's environmental impacts or mitigation measures in SP 310's certified EIR. (See, for example, *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301 ["However, the adoption of guidelines for analyzing and evaluating the significance of data does not constitute new information if the underlying information was otherwise known or should have been known at the time the EIR was certified"].)

We ask the County to extend the comment period until 30 days after the Nexus Study is available for public review to avoid the proposed moratorium on development and provide the affected public information about whether the County intends to impose the proposed approved VMT Mitigation Fee on already-approved projects with certified EIRs.

Thank you for considering this request.

Sincerely,



Michele A. Staples

Cc: Ms. Charissa Leach, TLMA Director (cleach@rivco.org)
Mr. John Hildebrand, Planning Director (JHildebr@rivco.org)



Response No. 6

Michele A. Staples, Jackson Tidus, A Law Corporation

August 11, 2022

6-1 This comment serves as an introduction. The commentor is representing the owners of the Domenigoni-Barton Specific Plan 310 (“Specific Plan 310”) for which Environmental Impact Report No. 421 (“EIR 421”) was certified by the County. They request that the County extend the public review period of the project’s Draft EIR to 30 days after publication of the Nexus Study that the document refers to. It is noted that the County of Riverside extended the Draft EIR public review period from August 19, 2022 to September 23, 2022 and the Draft Nexus Study was made available for public review on September 8, 2022 on the County website. A final version of the Nexus Study is currently in process. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis under CEQA. Therefore, no further response is warranted.

6-2 The commentor expresses concern regarding the VMT Mitigation Fee and states that the County is proposing programs as part of GPA No. 1207 that have not been vetted with the Winchester community and, if approved, would affect the entire Highway 79 Policy Area. The commentor is also concerned that a building moratorium would occur with project approval and opines that the EIR process should be halted until the Nexus Study is made available. Refer to Response 4-2 for a discussion regarding the Nexus Study. Concerning outreach to the Winchester community, several planning studies and actions have taken place in recent years that have facilitated the proposed project, including the Winchester Land Use Study, the Riverside County 2013-2021 and 2021-2029 Housing Elements (of the General Plan), Caltrans’ Record of Decision regarding the preferred route of the Highway 79 realignment project, described in Draft EIR Section 3.2, *Background and History*, and periodic public meetings to inform the community about the status of the project and to receive public input.

In September 2012, with funding provided by the County’s Economic Development Agency, the conceptual Winchester Land Use Study was completed by Tierra Verde Planning. This study identified preferred land use planning options for the community based on extensive public outreach and public input.

On December 6, 2016, the Board of Supervisors adopted GPA No. 1122 and Change of Zone (CZ) No. 7902, thereby adopting the County’s 2013-2021 “5th Cycle” Housing Element, and as part of that project, amended the Harvest Valley/Winchester Area Plan to establish General Plan Land Use Designations for nine MUA (Mixed-Use Area) and one HHDR (Highest Density Residential) neighborhood areas located in and immediately adjacent to the historic core of Winchester. In addition, these MUA and HHDR neighborhood areas were also rezoned to the County’s new MU (Mixed-Use) and R-7 (Highest Density Residential) Zones, respectively. Together, these neighborhood areas provide the basis for the future development of a more intense, mixed-use, and vibrant and walkable core for Winchester. The County’s 2021-2029 6th Cycle Housing Element Update (adopted June 25, 2024) also includes the amended General Plan Land Use Designations for these neighborhood areas.



On December 16, 2016, the California Department of Transportation (Caltrans) concluded several years of studies and environmental reviews as it signed its Record of Decision establishing Highway 79 Realignment Project Alternative “1br” as its preferred alternative for the highway realignment project, as it moves forward. Project Alternative “1br” would realign and widen Highway 79 throughout the project area to a limited-access, four-lane expressway. This project would provide improved circulation and traffic capacity to accommodate growth in Winchester and surrounding communities.

In addition, the Riverside County Planning Department conducted periodic presentations and workshops related to the project at Winchester-Homeland Municipal Advisory Council (WHMAC) meetings. An initial presentation was held on February 9, 2017, public workshops occurred on May 11, 2017, September 14, 2017, February 8, 2018, and October 11, 2018, and a project update presentation was held on April 14, 2022, June 13, 2024, and August 8, 2024. Last, an update on the project was given to the County Planning Commission on June 5, 2024. The presentation slides and meeting notes are provided for public access on the County’s website for the project and Planning Commission website.

As a result, the County affirms that the project has been adequately vetted with the Winchester community. No delays to the EIR process are necessary nor required in this regard.

Winchester-Homeland Town Association

P.O. Box 122, Winchester, CA 92596
951-926-6924 Fax 951-926-4924

August 11, 2022

County of Riverside Planning Department
Attn: Manuel Baeza, Principal Planner
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Sent via Email

Re: Comments on the Draft Environmental Impact Report for the Winchester Community Plan
(General Plan Amendment No.1207)

Dear Mr. Baeza,

I am submitting the following comments on the Draft Environmental Impact Report for the Winchester Community Plan GPA #1207 on behalf of the Winchester-Homeland Town Association (WHTA).

7-1

The WHTA is a member-based association representing the Winchester Homeland Communities. The Association was established in 1980. This Association along with the Winchester-Homeland Municipal Advisory Council allows forums for community involvement. The community has a Land Use Committee of 15 volunteers that review projects being planned within our communities. WHTA and its members have been involved and have followed this community planning process since it began and are appreciative of the Counties' efforts in assisting with our goal of growing into a model city.

After numerous hours of review, we respectfully submit the following comments:

1. Please refer to page 4.17-23 of the draft EIR. Mitigation TRA-1 states:

7-2

- TRA-1 Prior to commencement of residential development within the Winchester PA and Highway 79 PA (excluding areas in the Downtown Core), the County shall undertake a nexus study and adopt an ordinance creating a Vehicle Miles Travelled (VMT) Mitigation Fee for the Community Plan Area. The VMT Mitigation Fee shall consist of a flat fee applied to any new development within the abovementioned areas and shall fund the development of a Transit Station and Park and Ride facility in the Downtown Core. The Mitigation fee shall not be applied to any residential units developed in the Downtown Core. The ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy Areas (excluding residential development within the Downtown Core).

This mitigation measure states that “prior to commencement of residential development...the County shall undertake a nexus study and adopt an ordinance creating a VMT Mitigation Fee...” Our interpretation of this is that it is a deferred mitigation. We feel that any and all studies that are referred to in this EIR should be part of this EIR, and not put off until some unclear future. Applicants should have a clear understanding of their financial obligations pertaining to fees even before they begin the entitlement process. If a nexus / fee study is required, then it should be undertaken now, and the certification of the EIR should be delayed until the study is complete as part of this process.

In continuing, Mitigation Measure TRA-1 is unclear and unfair. By the strictest interpretations, it would imply that all residential entitlements and all building permits will be halted. This appears to be a moratorium. There are many residential entitlement projects that are in various stages of development, in some cases for years. A moratorium would be devastating to the proponents of these applicants, as well as those that they hire.

There are residential developments that have been entitled, but not yet constructed. Keeping these projects from proceeding would be in violation of the developer’s rights. In most cases, entitled and unbuilt residential projects, including specific plans, have already taken the 9% reduction of the midpoint density of the General Plan land use designation into account. Requiring those projects to either not be processed or to be further reduced in density is unfair.

If the intent is for this mitigation measure to apply only to those residential developments that have not begun entitlements that are also outside of any adopted specific plans or other area that already complies with the existing Highway 79 Policy Area, then it should state as such.

2. Please refer to Page 4.3-35 Mitigation Measures: AQ-8 (e and k)

Please provide clarification for the following comments in regards to these proposed measures. Mitigation Measures AQ-8e and AQ-8k are too vague and do not define what is considered a distribution center nor what is considered a truck trip for traffic analysis purposes.

Most businesses distribute from their facilities, and some have very large distribution facilities. A distribution company is by definition a distributor, but it is their business to bring product in and then send it out to the ultimate user of product.

100 truck trips – how was this determined? Is it 50 trips both in and out that equal 100? What is the definition of a truck; a pickup, a van, a UPS or Amazon truck, mid-size trucks, large trucks?

As an example, a project that consists of multiple smaller (i.e., less than 100k sf) buildings or buildings of over 100,000 sf that are leased to multiple tenants may generate more than 100 trips a day when the total project trip generation is considered and could be subject to the buffer requirements of both mitigation measures.

A 1000 ft distance is designated as required separation between “distribution centers” and existing sensitive land uses. If a proposed business park area of the plan is located adjacent to proposed residential land uses and contains existing residential homes scattered throughout, the requirement of 1,000 ft buffer from existing and proposed sensitive receptors would effectively eliminate the possibility of any distribution centers in the newly proposed business park areas of the plan.

We do believe that further discussions with the County and the Community on the appropriate types of uses and building types within the business park areas is critically important. The Mitigation Measures must allow for variety of businesses to succeed and not be so constrained that they will never locate in Winchester.

3. Density Transfer's

The draft EIR refers numerous times to density transfers. We are supportive of the use of density transfers. In most instances the use of the density transfers is used on a per site basis. We had envisioned the use of this same concept but extending it to involve transferring to other areas within the community plan. The County has allocated a large number of dwelling units in the highest density residential (HHDR) category in and surrounding the Downtown Core Area. This required minimum density is an obstacle to the commencement of development in the mixed use and HHDR areas of the Winchester Community Plan and may be inappropriate for areas immediately outside of the defined Downtown Core Area. The HHDR and mixed-use areas do not have the existing infrastructure to support the density proposed. In order to facilitate development of the Downtown Core Area, a density transfer program could be implemented that allows for transfer of density from parcel to parcel within the Downtown Core Area. In addition, this policy should allow for density to be transferred out of the mixed use and HHDR areas surrounding the Downtown Core Area to the broader Winchester Community Plan Area. We discussed this early in the community planning process with both Kimley-Horn and Jerry Joliffe. We hired a consultant with examples and information on Density Transfer Programs (DTP) and supplied that information to them. We believe this type of program along with other incentives are needed to make these areas successful.

In conclusion:

- We would respectfully request that the County not move forward with the GPA 1207 until the nexus study is completed regarding TRA-1. This will allow for proper public comment.
- Provide clarification to language and comments raised regarding items listed in the Mitigation Measures AQ-8 (e & k).
- Reconsider discussions on the potential for a community wide Density Transfer Program.

Once again, WHTA is appreciative of the County's efforts in allowing our participation in the future planning and development of our communities. If you have any questions or wish to further discuss you can reach me at (951)-926-6924.

Sincerely,



Kim Wortman, President
Winchester-Homeland Town Association

cc: Chuck Washington, 3rd Dist. Supervisor
Winchester-Homeland MAC
Robyn Brock, Deputy Chief of Staff to Supervisor Chuck Washington



Response No. 7

Kim Wortman, President, Winchester-Homeland Town Association

August 11, 2022

- 7-1 This comment provides a general introduction. The commenter is a representative of the Winchester-Homeland Town Association. Responses to specific comments are provided below.
- 7-2 The commenter refers to Mitigation Measure TRA-1, which outlines the requirement for the County to undertake a nexus study and adopt a VMT Fee for new development within the Winchester PA and Highway 79 PA. They express that the study and fee should be part of the project's EIR, and that certification of the EIR should be delayed until they are completed. The commenter also expresses disagreement with the language of TRA-1, expressing that it indicates a moratorium on development and is unclear whether this would also apply to previously entitled developments. Refer to Response 4-2.
- 7-3 The commenter states that Mitigation Measures AQ-8(e) and AQ-8(k) are too vague in regard to how "distribution center," "truck," and "truck trips" are defined for traffic analysis purposes. The commenter also requests information on how 100 truck trips was determined as a threshold in these measures. Last, the commenter expresses concern that the 1,000-foot distance required in AQ-8(k) would prevent the development of distribution centers in the proposed business park area. South Coast Air Quality Management District (SCAQMD) uses the term "distribution center" synonymously with the term "warehouse." These terms are defined in Rule 2305, *Warehouse Indirect Source Rule*, as buildings that store cargo, goods, or products on a short- or long-term basis for later distribution to businesses and/or retail customers. Trucks are heavy duty vehicles and are classified in size by Gross Vehicle Weight Rating (GVWR); for example a Class 2B Truck is a truck with a GVWR of 8,501 to 10,000 pounds. "Truck trips" are defined in Rule 2305 as the one-way trip a truck or tractor makes to or from a site with at least one warehouse to deliver or pick up goods stored at that warehouse for later distribution to other locations. A truck or tractor entering a warehouse site and then leaving that site counts as two trips. Further, the requirements identified in Mitigation Measure AQ-8 are standards recommended or required by the California Air Resources Board (CARB) and/or SCAQMD. The County of Riverside would review future site specific development proposals to determine whether these uses would occur in order to verify that projects meet applicable CARB and SCAQMD requirements/standards as site specific development occurs.
- 7-4 The commenter refers to density transfers, which were included in the Draft EIR's Regulatory Setting discussion on Land Use Element policies LU 9.4, LU 15.7, and LU 19.1. These allow development clustering and/or density transfers to preserve open space, natural resources, cultural resources, and biologically sensitive resources (see Draft EIR page 4.4-18); to help implement Rural Village Overlay Study Areas and the Multi-Species Habitat Conservation Program (see Draft EIR page 4.4-18); and to meet airport compatibility requirements (see Draft EIR page 4.9-15). The commenter is concerned that the proposed Highest Density



Residential and Mixed-Use areas wouldn't have the infrastructure to support the projected population density. The commentor expresses their support for the use of density transfers, and provides a suggestion for a density transfer program to promote development in the Downtown Core area. However, as described in Draft EIR Section 4.14, *Population and Housing*, the project would have a less than significant impact to population and housing and thus is not anticipated to significantly impact infrastructure. As stated on Draft EIR page 4.14-10, the forecast population growth associated with the project would occur incrementally through 2040, allowing for development of necessary services and infrastructure commensurate with the proposed growth. Future development projects will be subject to the regulatory framework including the application of General Plan policies LU 5.1, LU 5.2, C 1.1, and C 1.5 which will ensure that future growth does not exceed the capacity of the necessary infrastructure and circulation systems in the project area. Therefore, the project's potential impacts concerning inducing substantial unplanned population growth in the County directly or indirectly, would be less than significant, and the project would not involve significant impacts to infrastructure in this regard.

- 7-5 This comment provides concluding remarks and summarizes the comments above. The commentor provides contact info for questions or further discussion. This comment is acknowledged and does not raise any additional environmental issues. No further response is necessary.

From: Daniel Boyd <DBoyd@drhorton.com>
Sent: Friday, August 12, 2022 11:40 AM
To: Baeza, Manuel <MBaeza@Rivco.org>
Cc: Jon J Myhre <JJMyhre@drhorton.com>
Subject: GPA 1207 (NOC -DEIR) - Winchester Community Plan

CAUTION: This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Manuel:

8-1 | Thank you for the opportunity to comment on the above subject matter. Overall, the DEIR is well prepared and addresses several important topics. A concern relates to the overall VMT discussion related to a potential fee structure and timing thresholds suggested in the DEIR. First, the DEIR clearly states that at this time no VMT projects or future improvement(s) have either been identified or planned. Therefore, any specific fee or structure to levy a fee without a formal "Nexus" study seems to violate State law?

8-2 | Secondly, the document narrative even seems to suggest this DEIR does not identify or purports any VMT mitigation that a fee could be included. Lastly, we strongly disagree with any notion imposing any building permit limitations until such VMT mitigation is identified.

Again, thank you for the opportunity to comment for the Administrative Record.



DAN BOYD
Vice President - Entitlements
D.R. HORTON
2280 Wardlow Circle, Ste. 100, Corona, CA 92880
o: 951.739.5444 m: 949.872.8369

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Response No. 8

Dan Boyd, Vice President - Entitlements, D.R. Horton

August 12, 2022

- 8-1 The commentor expresses their concern related to the fee programs discussed as VMT mitigation in Draft EIR Section 4.17, *Transportation*. They correctly describe that as a programmatic EIR, the future development referred to in the document is not yet planned or identified. The commentor asks whether such a fee structure could be placed without performing a nexus study. Refer to Response 4-2.
- 8-2 This comment expresses concern that the EIR does not specify future improvements for which VMT mitigation fees would be used. The commentor also expresses their disagreement with the restriction of building permit issuance until after the establishment of a VMT mitigation fee. Refer to Response 4-2.

From: Casey Mungo <casey.mungo@icloud.com>

Sent: Friday, August 12, 2022 12:33 PM

To: Baeza, Manuel <MBaeza@Rivco.org>

Subject: Comment regarding GPA 1207

9-1

At the Winchester MAC meeting last night they mentioned we could send our comments to you regarding the GPA 1207.

I just wanted to say I am very happy to see the expansion of the Industrial and Business Park zones off Simpson between Beeler and California. We definitely need more jobs in Winchester and I believe this is the right approach. It will also add significant tax revenue to the county once these areas are developed. Thanks



Response No. 9
Casey Mungo, Resident
August 12, 2022

- 9-1 The commentor states their support for the expansion of Industrial and Business Park zones off Simpson Road. This comment is noted. It does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted. (State CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

From: Nifty LED <info@niftyled.com>
Sent: Saturday, August 13, 2022 8:00 AM
To: Baeza, Manuel <MBaeza@Rivco.org>
Subject: GPA1207 - Public Comments

10-1 | I'm very glad to see that there is more commercial zoning along Simpson. More jobs in the area
| would be excellent!
| Nate
| Nifty LED



Response No. 10
Nate, Resident
August 13, 2022

10-1 The commentor states their support for more commercial zoning along Simpson Road. This comment is noted. It does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted. (State CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

Markham DS

BRIDGE CHALLENGES / DEVELOP SOLUTIONS



August 15, 2022

Mr. Manuel Baeza, Principal Planner
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Re: Comments on the Winchester Community Plan Public Review Draft Program Environmental Impact Report, SCH#2019049114

Dear Mr. Baeza:

The County of Riverside has published the Winchester Community Plan Draft Program Environmental Impact Report (DPEIR) to address the potential environmental impacts from implementing an amendment to the Riverside County General Plan that includes the following actions:

1. Expansion of the existing Winchester Policy Area from approximately 287 acres to approximately 23,153 acres of land within the General Plan's Harvest Valley/Winchester Area Plan.
2. Amending the boundaries of the General Plan's Harvest Valley/Winchester, Sun City/Menifee, and Southwest Area Plans so that the expanded Winchester Policy Area falls within the limits of the Harvest Valley/Winchester Area Plan only.
3. Revising land use designations within the expanded Winchester Policy Area, including Foundation Component amendments. Approximately 227 parcels totaling 1,480 acres would require Foundation Component Amendments that include changes from the Rural and Rural Community Components to the Community Development Component. Consistency zoning revisions for approximately 921 parcels would occur in the future as a result of the revised land use designations proposed as part of the project and are analyzed as part of this EIR.
4. Amending the General Plan's Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Menifee Valley Area Plan to revise the existing Highway 79 Policy Area language by removing the 9% reduction in density for residential projects. This policy will be replaced with a fee on newly entitled dwelling units (not dwelling units already entitled), to fund mobility related improvements, such as, but not limited to, a vehicle park-n-ride and transit station within the Winchester downtown core area.....

The project proposes planning policies and direction to guide change, promote quality development, and implement the community's vision for the area....

Although the preceding policies are focused on broad programmatic goals and objectives, the purpose of my comments is to address one particular property that is one of the 227 parcels that requires a Foundation Component Amendment. We represent the owners of property located within the northern portion of the newly designated Winchester Community Plan (Plan). The property is located at the southwest corner of the intersection of Leon Road and Grand Avenue

Markham DS

BRIDGE CHALLENGES / DEVELOP SOLUTIONS



and encompasses Assessor Parcel Numbers (APNs) 461-140-033 through 36. This property is currently designated as Light Industrial and zoned R-R and it encompasses approximately 6.09 acres. This land use designation makes sense for the following three reasons: (1) The property is located adjacent to the railroad tracks, which though presently not in use, represent the primary route for extending passenger rail to the City of Hemet; (2) the property is located at an intersection that will be heavily used in the future as the Plan area is built out, i.e., resulting in both high noise levels and an unsafe level of traffic activity; and (3) the property is located across the Railroad Right of Way from the Eastern Municipal Water District (EMWD) treated effluent storage ponds. For these reasons it came as a surprise that the property has been re-designated for residential use in the proposed Plan. As outlined in the following comments, this change is illogical and inconsistent with many of the new Plan policies and the proposed change in Plan designation should be reversed and the property should retain the Light Industrial land use designation.

To assist with understanding the inconsistency of a residential designation at this location, the attached aerial photo shows the property in relation to the surrounding environment. Also, as the County is aware, the mapping scale in the DPEIR is so large scale that it is very difficult to illustrate the property land use designation and zoning. Exhibit 3-9 of the DPEIR does not clearly show the property with its existing Light Industrial designation and RR zone. As the aerial photo clearly indicates, the project site is or will be exposed to activities that are not compatible with residential land use, including future rail noise, future traffic noise, and the potential odors and vectors associated with the adjacent EMWD storage ponds.

For example, regarding future noise, Table 4.13-9 predicts that Leon Road between Simpson and Grand Avenue will have 37,670 trips per day and generate a dBA Ldn of 73.1; similarly Grand Avenue east of Leon Road will have 54,240 trips per day and generate a dBA Ldn of 74.4. This level of background sound, let alone the traffic activity at a very busy intersection, is wholly inconsistent with the residential land use designation/classification for the property. Due to the small size of the property, there is clearly insufficient space to buffer residential use at the site from the noise and let alone expose the site to the future projected traffic volumes at the intersection of Leon and Grand.

As stated in Policy LU 28.6: *Require setbacks and other design elements to buffer residential units to the extent possible from the impacts of abutting agricultural, roadway, commercial, and industrial uses.* It is clear that both due to the size and surrounding land uses (road circulation system, future railroad operations, and the adjacent EMWD storage ponds), the property is not suitable for residential use and the land use designation, classification for light industrial uses should be retained. This is further supported by Policy LU 31.2 which states: *Protect major public facilities, such as landfill and solid waste processing sites and airports, from the encroachment of incompatible uses.* The adjacent railroad tracks and the EMWD storage ponds are both major public facilities that should not be encroached on by residential uses.

The following policies identified in the Plan also support retention of the property for future industrial use:

Markham DS

BRIDGE CHALLENGES / DEVELOP SOLUTIONS



Mitigation Measure AQ-9: *In the event a potential odor source is proposed near an existing sensitive receptor, the County of Riverside shall verify that project plans maintain an adequate buffer between potential new odor sources and receptors such that emitted odors are dissipated before reaching the receptors (minimum of 500 feet depending on the odor source)*

From the Healthy Communities Element: *HC 14.1 When feasible, avoid siting homes and other sensitive receptors near known or anticipated sources of pollution.*

HC 14.2 When feasible, avoid locating new sources of air pollution near homes and other sensitive receptors.

HC 16.5 Evaluate the compatibility of unhealthy and polluting land uses being located near sensitive receptors including possible impacts on ingress, egress, and access routes. Similarly, encourage sensitive receptors, such as housing, schools, hospitals, clinics, and childcare facilities to be located away from uses that pose potential hazards to human health and safety.

There are other policies (LU 11.3, AQ 2.1, and AQ 2.2) that reference the same issue of maintaining separation from activities that could harm public health. By examining the aerial photo, it again clearly shows that the property is bounded by conflicting uses that could harm public health. Specifically, the EMWD storage ponds can be sources of water-related odors, and during maintenance when the ponds are being dried a combination of odors and fugitive dust can be generated. Second, the property is located near a major intersection that is forecast in the DPEIR to generate both air pollutant emissions and harmful levels of noise. Finally, future rail operations (rarely mentioned in this DPEIR) would occur along the southern boundary of the property. Thus, this property is bounded by on three sides by incompatible uses and re-designating the property for residential use is, based on the Plan's own policies, a significant adverse impact that is not given any discussion or attention in the DPEIR. We realize the Plan PEIR is intentionally focused on the large picture, but when such overt conflict between policies and land uses occur, it cannot be ignored.

We believe the simple solution is to simply retain the existing land use designation, Light Industrial, of this property and remove it from the list of properties the require a Foundation Component Amendment. Alternatively, we believe the County must revise the DPEIR to address the inconsistencies documented in the preceding text. The information provided above unequivocally substantiates that the Plan will result in at least the significant conflicts identified above, and most probably at many other locations. We look forward to responses to the issues that we have raised in the preceding comments.

Sincerely,

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

Larry Markham



Response No. 11
Larry Markham, Markham DS
August 15, 2022

- 11-1 This comment provides a general introduction. Responses to specific comments are provided below.
- 11-2 The commentor represents the owners of Assessor Parcel Numbers 461-140-033 through 036, and describes the relative location of these parcels in the Winchester Community Plan vicinity. They state that the property currently has a General Plan Land Use Designation of Light Industrial and is zoned Rural Residential, which they suggest is a logical designation due to its proximity to railroad tracks, an intersection with potential future noise impacts, and the EMWD treated effluent storage ponds. The commentor states that the project's proposed re-designation of the parcels for residential use is concerning for the same reasons. The County of Riverside agrees with the commentor's concerns and will retain the site's existing General Plan Land Use Designation of Light Industrial and Rural Residential zoning. Retaining the existing General Plan Land Use and Zoning Designations for these four parcels would not result in a more intensive use above existing conditions and thus would not result in new impacts not previously evaluated in the Draft EIR; therefore, recirculation of the Draft EIR would not be warranted. This revision has been made to Draft EIR Exhibit 3-11, *Proposed Winchester Policy Area Land Use Designation Changes*, and is reflected in Final EIR Section 4.0, Draft EIR Text Revisions.



August 16, 2022

Manuel Baeza
Principal Planner
Riverside County
4080 Lemon Street
Riverside, CA 92501

**Subject: Winchester Community Plan
General Plan Amendment No. 1207**

Dear Mr. Baeza:

Eastern Municipal Water District (EMWD) thanks you for the opportunity to review the General Plan Amendment for the Winchester Community Plan. The Winchester CP area is located in eastern Riverside County (County) and is generally bounded by Double Butte County Park and Stetson Avenue to the north, California Avenue and Diamond Valley Lake to the east, Scott Road to the south, and Briggs Road to the west. The Winchester CP area is within the water service area of the District, and spans EMWD's Perris Valley South Operational Service Area, including the 1627 Perris Valley Pressure Zone (PZ), a very small portion of 1698K Keller PZ, 1934 East Holland PZ, and the 1720 Winchester Hills PZ, as well as the San Jacinto Valley Operational Service Area, including the 1719 Fruitvale PZ and 1650 Winchester Regulated PZ. The subject area is also within EMWD's sewer service area with flows from the Winchester CP area tributary to EMWD's Perris Valley Regional Water Reclamation Facility (PVRWRF).

Under General Plan Amendment 1207, the General Plan land use map would be revised to expand the Winchester Community Plan, make changes to land use designations for some parcels in the area, make amendments to various policy area boundaries and create new design guidelines for the Winchester Policy Area.

EMWD offers the following comments:

Board of Directors

Philip E. Paule, *President* | Randy A. Record, *Vice President* | Jeff Armstrong | Stephen J. Corona | David J. Slawson

2270 Trumble Road • P.O. Box 8300 • Perris, CA 92572-8300

T 951.928.3777 • F 951.928.6177 | www.emwd.org

12-2 | Due to the significant impacts that these changes will have on EMWD's facilities, master plan updates for both the water and wastewater collection systems were initiated for the Winchester Community Plan area. The regional infrastructure required to mitigate the impacts of the proposed land use changes has been evaluated and incorporated into EMWD's long-term capital improvement program (CIP).

12-3 | At the local level, as individual projects move forward under the new land use, developers will need to coordinate with EMWD to determine the availability of water and sewer service and coordinate the construction of local infrastructure to serve their respective developments.

If you have questions or concerns, please do not hesitate to contact me at (951) 928-3777, extension 4813 or by e-mail at boettchd@emwd.org.

Sincerely,



Demian Boettcher, P.E.
Principal Civil Engineer

DB:sgc

Attachment: Copy of Public Notice

c: file



Response No. 12

Demian Boettcher, Principal Civil Engineer, Eastern Municipal Water District

August 16, 2022

12-1 This comment provides a general introduction. Responses to specific comments are provided below.

12-2 The commentor states that the changes proposed in the Winchester Community Plan would have significant impacts on Eastern Municipal Water District's (EMWD) facilities, which has led EMWD to initiate master plan updates for the area in question. However, the utilities analysis described in Draft EIR Section 4.19, *Utilities*, concludes that the proposed project would result in less than significant impacts to water and wastewater services; refer to the discussion in Impacts UTL-1 and UTL-3. Draft EIR Section 4.19, *Utilities*, concludes that, while future development associated with the project may require new or expanded utilities, these demands would occur incrementally through 2040. As stated on Draft EIR page 4.19-15, the County and EMWD "would review future development on a project-by-project basis through the County's entitlement review process and EMWD's Will-Serve process to ensure the availability of water supplies." In addition, as discussed in Draft EIR Section 4.14, *Population and Housing*, the forecast population growth associated with the project would occur incrementally through 2040, allowing for development of necessary services and infrastructure commensurate with the proposed growth. Future development projects will be subject to the regulatory framework indicated above including the application of General Plan policies LU 5.1, LU 5.2, C 1.1, and C 1.5, which would ensure that future growth does not exceed the capacity of the necessary infrastructure in the project area. Therefore, the project's potential impacts concerning inducing substantial unplanned population growth in the County directly or indirectly would be considered less than significant.

The County acknowledges that EMWD has evaluated mitigation for the impacts anticipated by the proposed land changes and has incorporated their findings into EMWD's long-term Capital Improvement Program (CIP). As buildout of the project would occur incrementally through 2040 and the Draft EIR concluded that impacts related to population growth would be less than significant, compliance with existing laws, regulations, and General Plan policies pertaining to water conservation would reduce potential effects related to water and sewer services to less than significant levels.

12-3 This comment states that developers of individual projects in the future would need to coordinate with EMWD to determine availability of water and sewer service. Refer to Response 12-2, above. The comment is noted by the County.

Swancott, Paul

From: Baeza, Manuel
Sent: Tuesday, August 16, 2022 8:03 AM
To: Swancott, Paul
Subject: FW: GPA 1207 Feedback

Paul,

A comment on Winchester.

From: Steven Keung <keungsteven@gmail.com>
Sent: Tuesday, August 16, 2022 8:02 AM
To: Baeza, Manuel <MBaeza@Rivco.org>
Subject: GPA 1207 Feedback

CAUTION: This email originated externally from the Riverside County email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

This Winchester area desperately needs new development and jobs. I'm really happy to see the new industrial and business park zones off Simpson- we really need it.

Thank you,
Steven

13-1



Response No. 13
Steven Keung, Resident
August 16, 2022

13-1 The commentor states their support for the expansion of Industrial and Business Park zones off Simpson Road. This comment is acknowledged. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted. (State CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)

**CADO INDIGO, LLC & CADO TANGERINE LLC
1545 Faraday Avenue
Carlsbad CA 92008**

August 16, 2022

VIA ELECTRONIC MAIL (mbaeza@rivco.org)

Mr. Manual Baeza
County of Riverside
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

**RE: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE WINCHESTER COMMUNITY
PLAN (GENERAL PLAN AMENDMENT NO. 1207)**

Dear Mr. Baeza,

I am writing on behalf of the ownership entities which own Tract 30808-1 and the expired Tract 30808-F, both located east of Leon Road, south of Olive Avenue and north of Salt Creek within the approved Specific Plan No. 293 and the Highway 79 Policy Area.

I have reviewed the DEIR for the Winchester Community Plan (General Plan Amendment No. 1207 and have the following comments on Mitigation TRA-1 which states:

14-1

TRA-1 Prior to commencement of residential development within the Winchester PA and Highway 79 PA (excluding areas in the Downtown Core), the County shall undertake a nexus study and adopt an ordinance creating a Vehicle Miles Travelled (VMT) Mitigation Fee for the Community Plan Area. The VMT Mitigation Fee shall consist of a flat fee applied to any new development within the abovementioned areas and shall fund the development of a Transit Station and Park and Ride facility in the Downtown Core. The Mitigation Fee shall not be applied to any residential units developed in the Downtown Core. The ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy Areas (excluding residential development within the Downtown Core).

14-2

As written, TRA-1 requires the County to undertake a nexus study and adopt an ordinance creating a new VMT mitigation fee prior to the commencement of residential development within the Winchester PA. Does "commencement of residential development" refer to issuance of a grading permit? Building permits? The language is not only vague, but equates to a moratorium on residential development even for projects that have full approvals. Approved projects should not be subject to a new VMT mitigation fee since Level of Service was the required analysis at the time of CEQA approval. Any nexus study referred to in the EIR should be part of the EIR so project owners can understand the financial requirements of projects.

Ownership of the above projects request that 1) the nexus study be completed as soon as possible and be included in the EIR, 2) the future VMT fee only be assessed on projects that do not have existing approvals, and 3) approved projects may move forward with development immediately.

Thank you for considering our request.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Hayden', written over a horizontal line.

Mark Hayden
Vice President
Capstone Advisors

Cc: Ms. Charissa Leach, TLMA Director (cleach@rivco.org)
Mr. John Hildebrand, Planning Director (jhildebr@rivco.org)



Response No. 14

Mark Hayden, Vice President, CADO Indigo, LLC & CADO Tangerine, LLC

August 16, 2022

- 14-1 This comment provides a general introduction. The commentor represents the owners of Tract 30808-1 and the expired Tract 380808-F, which are located east of Leon Road, south of Olive Avenue, and north of Salt Creek within Specific Plan No. 293 and the Highway 79 Policy Area. Responses to specific comments are provided below.
- 14-2 The commentor refers to Mitigation Measure TRA-1, which outlines the requirement for the County to undertake a nexus study and adopt a VMT Fee for new development within the Winchester Policy Area and Highway 79 Policy Area. They ask for clarification on whether the language “commencement of residential development” refers to issuance of grading permits or building permits. As stated in the last sentence of Mitigation Measure TRA-1, the ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy Areas (excluding residential development within the Downtown Core). They also state that approved projects should not be subject to a new VMT mitigation fee. Refer to Response 4-2.



Samuel C. Alhadeff
3 Better World Circle, Suite 100
Temecula, California 92590
Samuel.Alhadeff@lewisbrisbois.com
Direct: 951.252.6152

August 17, 2022

VIA E-MAIL & U.S. Mail

Paul Swancott, Project Manager
County of Riverside
TLMA Planning Department
4080 Lemon Street
Riverside, CA 92501
Email: PSwancott@rivco.org

Re: Comment to County of Riverside Winchester Community Plan EIR
Sunranch Communities, LLC, owners of certain real property designated in its application as the Matthews Ranch located just outside the City of Menifee on the northside of Matthews Road to the east of Briggs Road and to the west of Double Youth Park in the unincorporated area of Winchester

Dear Mr. Swancott:

This comment letter really embraces two issues:

1. The applicant is generally in support of the proposed Winchester Community Plan.
2. There are exceptions to the general support of the Plan.

Let us address first the exceptions to the general support of the proposed Community Plan. The current zoning on the property is AP (Agriculture Poultry) and is designated in the General Plan as light industrial. The applicant/commentator believes that both of these designations to be incompatible to existing surrounding residences in terms of both odors and traffic and is going to be proposing medium-high residential zoning, as well as, a General Plan designation to be more consistent with the surrounding area. The surrounding area includes the Menifee Valley Ranch within the City of Menifee and the Winchester Hills Specific Plan and the proposed Menifee North Specific Plan all residential units. Apparently, one of the reasons this project was considered for light industrial is because of the nature of the extension of the rail facilities contiguous to the property. However, the Winchester MAC is supportive of transit oriented extension of the metro line as opposed to any commercial activity for this line. It is the desire of the Winchester Municipal Advisory Council to see an extension of the metro link service that currently ends in south Perris extended to the proposed town site of Winchester.

15-1

In addition to these particular issues, the proposed change will have a significant positive benefit to traffic overall under the Highway 79 Policy as it currently exists. Basically it would relieve and reduce traffic by at least 129 fewer daily trips than a reasonable estimate development under the existing light industrial. Finally, we all know the state is desperately in need of additional housing in the Inland Empire area.

15-2

With those comments as background then the applicant/commentor supports the Winchester Community Plan with one following exception. A concern over Mitigation Measure TRA-1. This mitigation measure would institute a Nexus study, adopt an ordinance under Vehicle Miles Traveled for a mitigation fee for the Community Plan area. This VMT mitigation fee is proposed to consist of a flat fee applied to any new development within the planning area and is designed to fund the development of a transit station and a park and ride facility in the downtown core which again supports the MAC proposal that this extension should be transit oriented. Accordingly, the concern is the unknown. Is this Nexus study complete? Will property owners be entitled to review the Nexus study and comment? How long with the Nexus study analysis take and what is the impact on an already arduous time to plan and develop residential property in California.

Another reason for this concern is the proposed ordinance and resulting mitigation fee has to be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy area except a certain residential development area within what is defined as the downtown core.

15-3

TRA-3 appears to add another layer of CEQA evaluation and discretionary permit analysis. However, with our applicant's proposal that their property be re-designated as medium-high density residential this issue may be avoided and in fact, would be helpful with regard to the proposed Mitigation Measure TRA-3.

15-4

In summary, the applicant/property owner supports the Winchester Community Plan with the observations and exceptions set forth in this letter. If there are any questions, please do not hesitate to contact the undersigned or the planning consultant for this applicant, Matthew Fagan, Matthew Fagan Consulting Services, Inc., 42011 Avenida Vista Ladera, Temecula, CA 92591, 951-265-5428. matthewfagan@roadrunner.com.

Very truly yours,



Samuel C. Alhadeff of
LEWIS BRISBOIS BISGAARD & SMITH LLP

SCA:ch

cc: John Hildebrand
Planning Director
JHildebr@RIVCO.ORG



Response No. 15

Samuel C. Alhadeff, Lewis Brisbois Bisgaard & Smith, LLP

August 17, 2022

- 15-1 The commenter requests that the Zoning and General Plan Land Use Designation on their property be changed from Agriculture Poultry (AP) and Light Industrial to Medium-High Residential. The County will consider this comment during project deliberations. This comment does not identify a specific concern with the adequacy of the Draft EIR or raise an issue or comment specifically related to the Draft EIR’s environmental analysis under CEQA. Therefore, no further response is warranted. (State CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)
- 15-2 The commenter questions whether the Nexus Study required under Mitigation Measure TRA-1 is complete and whether it will be made available for review. Refer to Response 4-2.
- 15-3 The commenter states that Mitigation Measure TRA-3 “appears to add another layer of CEQA evaluation and discretionary permit analysis.” This comment is acknowledged. The comment does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR’s environmental analysis. Therefore, no further response is warranted.
- 15-4 The commentor offers concluding remarks and contact information. The comment does not raise a specific issue regarding the adequacy of the Draft EIR or its environmental analysis, and no further response is warranted.

JPMB Investments, LLC

August 17, 2022

VIA EMAIL

Manny Baeza, Principal Planner
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501
mbaeza@rivco.org

Re: Comments on Winchester Community Plan Public Review Draft Program Environmental Impact Report (DPEIR);
State Clearinghouse No. 2019049114

Dear Mr. Baeza:

16-1

I am the Manager of JPMB Investments, LLC (JPMB) which is currently under contract to purchase 77.7 acres of land at the northeast corner of El Centro and Scott Road (APN 466-220-029) located in the Highway 79 Area Plan portion of the proposed Winchester Community Plan project (Project). The Property is shown on the attached Exhibit A and Exhibit B. Per our purchase and sale agreement the ownership (copied on this letter) has authorized JPMB to represent them on the planning issues regarding the property. We appreciate the effort the County is taking to comprehensively review land uses in this developing area of the County and are supportive of the Winchester Community Plan.

16-2

That said, we think the Winchester Community Plan (as described in the DPEIR) (Plan) is missing an opportunity to further implement its own Plan goals and objectives, and to apply appropriate stated planning principles that focus growth near existing infrastructure in determining the allowed use for the Property under the Plan. The 77.7-acre Property is located immediately adjacent to Scott Road and, as detailed below, is only 2 miles from the Scott Road interchange with I-215. It is also in the Highway 79 Policy Area and will directly benefit from the realignment of Highway 79 to a four (4) lane expressway which will improve circulation and increase capacity in the Community Plan area. The Property is also in immediate proximity to schools, the proposed sewer lift station, and other key infrastructure and amenities, including shopping, other commercial uses, and parks that make it an obvious choice for early development with residential uses. Yet the Winchester Community Plan identifies the Property, which is not considered agricultural land of prime importance, and which is immediately adjacent to two existing medium density residential developments and other lands designated for multifamily residential development, as an agricultural land use (Rural Residential) while allowing much greater development intensity in far flung portions of the community planning area that do not enjoy (and will not for many years) the benefit of these existing and planned infrastructure improvements. Timing and sequencing of growth to align with infrastructure development is a fundamental planning principle that the

County has an opportunity to and should apply to further the stated goals in the Community Plan effort.

Specifically, this omission results in a missed opportunity to mitigate project impacts on Agriculture, Air Quality, GHG, among others to the fullest extent feasible as required under the California Environmental Quality Act (CEQA) and impedes the County from maximizing the opportunity to better meet its 6th cycle RHNA allocation. Currently, the Community Plan Project only satisfies 30% of the 2029 RHNA required total of 40,647 or 12,329 units. As described below, identifying an appropriate residential density for the Property commensurate with its location is consistent with prior County approvals (in 2016) and due to its location proximate to significant existing and planned infrastructure improvements, will expedite development of housing in the plan area in accordance with RHNA and VMT principles and requirements and take advantage of the significant expenditures of the County on roadway, utility and public services infrastructure.

I. Existing, Previously Approved and Requested Entitlements

16-3

The Property is currently designated as Rural/ Rural Residential in the Riverside County General Plan and is zoned A-1-5: 1 du/5 acres in an area designated for agricultural use. This would allow a total of 15 units. However, in 2016 the Board of Supervisors approved applications submitted by the current owner and re-entitled the property to permit residential density of 2-5 du/acre which would allow up to a total of 388 units.¹ Following a CEQA challenge, the owners withdrew their application. Yet, when the County considered the Project, it did not include the Property for a similar change in land use and zoning as part of the Winchester Community Plan as it previously considered and approved.

As discussed in more detail in this letter, we respectfully ask the County to modify the proposed Community Plan to slate this property for Community Development, Medium Density Residential (2-5 du/ac), One-Family Dwellings consistent with the prior approval on the Property This would provide up to 388 units towards the County's RHNA goal of 16,302 units for Above Moderate income housing, adding up to an additional 373 units at the Property, which is in an area primed to handle this additional residential because of its location near existing and planned housing, existing and proposed infrastructure, and planned transportation improvements designed to lessen VMT.

II. Proximity to Existing Development and Infrastructure and Similar Housing Developments

16-4

The Property is adjacent to existing Medium Residential property as shown on Exhibit B and is surrounded by developed infrastructure. Given existing and planned residential development around the Property, including R-4 zoning, (See DPEIR Exh. 3-9, existing zoning), this is the wrong location to maintain the current low-density zoning near existing and planned infrastructure and commercial development. CalTrans' Highway 79 realignment and widening project is not the

¹ GPA00921 (Foundation GPA from RUR: RR to CD: MDR on the 77.8 acres), CZ07763 (Change Zone from A-1-5 to R-1 and EA41744 (EA for GPA00921).

only impetus for increasing residential density in the Highway 79 Policy Area. See DPEIR p. 3-8. This increase is consistent with existing and other planned infrastructure:

- Approximately 0.25 mile to proposed regional sewer lift station (south of Scott Rd., just west of Leon Rd.) which will serve a large portion of the Community Plan Project area
- approximately 0.25 mile to Liberty High School
- approximately 2.25 miles to Southshore Elementary School
- approximately 2.1 miles to Albertsons/Walgreens and other shopping/commercial
- approximately 3.6 miles to Bell Mountain Middle School
- approximately 3.8 miles to the Loma Linda University Hospital
- approximately 4.5 miles from the Riverside Menifee Lakes Fire Station No. 76
- approximately 4.75 miles from the Riverside County Fire Station No. 68.

Continued significant agricultural use of the property is unlikely, due to its small size and its location immediately adjacent to more intensive residential and commercial development. Given this level of developed and planned infrastructure, retaining the Property for agricultural uses fails to properly take advantage of the extensive County investment in developing resources intended to address its housing crisis.

III. The RHNA Goals and the Goals of the Winchester Community Plan Merit Consideration of Changing the Land Use Designation and Rezoning the Property

The DPEIR sets out a number of key goals and objectives that are consistent with changing the land use designation and rezoning the Property consistent with the County's 2016 approval for the Property. Modifying the Plan to permit the increased density at the Property would enhance the County's ability to meet these goals, including the following:

A. Achieving 6th Cycle RHNA Requirements.

The DPEIR focuses on promoting higher density housing to achieve the 6th Cycle RHNA allocation of 40,647. DPEIR pp. 1-3, 3-10, 4.14-5. The Winchester Community Plan Project is estimated to meet 30% of this goal by adding 12,329 additional units. DPEIR p. 4.14-9.

One of the express goals of the Community Plan Project is to assist the County with meeting its RHNA allocation by promoting higher density and a greater variety of housing. The Community Plan Project proposes to increase the number of residential units permitted within the Plan area by 12,329, meeting only 30% of the County's RHNA allocation. It achieves this increase by eliminating the 9% residential reduction in the Highway 79 Policy Area and converting land to residential use in other parts of the Project area but does not examine obvious opportunities to rezone to take advantage of the benefits of planned infrastructure and thereby increase the number of additional residential units needed. Given the expansion of Highway 79, strategic upzoning is feasible and would assist the County in achieving its RHNA goals.

The County has previously estimated that because it has fallen behind on housing construction, it will be challenging to meet this goal. If changed to Medium Density Residential, the Property

would permit up to 388 residential units at the Property. While the 15 dwelling units currently permitted on the Property are unlikely to be developed and would rely on septic systems, development of the Property with medium residential density (in the range of 2 to 5 units per acre) is much more feasible and could occur quickly given the level of existing and planned infrastructure development at and adjacent to the Property, helping the County to meet the RHNA goals.

To meet its RHNA goals, the Project seeks to implement higher density residential projects to achieve greater housing variety and increased density in the area. DPEIR pp. 1-3, 3-10 and DPEIR Exh. 3-9 (existing zoning Highway 79 Policy Area).

Rezoning the Property to 2-5 du/acre as the County did previously could add up to 388 dwelling units in different lot sizes would provide work force housing and assist the County in providing greater housing variety and home sizes to help meet its RHNA goals.

C. Assist the County in Minimizing GHG and Air Quality Impacts

The DPEIR states that the purpose of increasing density along the expanded Highway 79 and the added transportation projects is to minimize the Air Quality and GHG impacts of providing needed housing to the extent feasible. See, e.g., DPEIR pp. 4.3-23, 4.8-31 (prioritize land to accommodate new growth and increase connectivity in existing neighborhoods and other SoCal Connect goals), 4.8-33, 4.8-37 (Project's development patterns are designed to reduce VMT with higher density housing and local serving uses reducing the need to travel long distances, thereby reducing GHG emissions).

Although the goal of the DPEIR is to create compact development and promote multi-modal transportation including alternative modes of transportation to minimize AQ and GHG impacts, keeping the Property in a rural residential designation despite its proximity to existing housing, commercial development, infrastructure, roadways and amenities, results in higher AQ and GHG emissions and greater VMT than would inclusion of greater density for residential uses near existing commercial, infrastructure, and schools.

The DPEIR states that the purpose of increasing density along the expanded Highway 79 and the added transportation projects is to minimize the Air Quality and GHG impacts of providing needed housing to the extent feasible. Adding 388 residential units adjacent to existing Medium Residential property and existing and planned infrastructure would enhance the County's ability to meet these goals. For example, by creating more compact development and promoting multi-modal transportation including alternative modes of transportation, the Project proposes to reduce VMT and Air Quality and GHG impacts from vehicle emissions. See, e.g., DPEIR pp. 4.3-23, 4.8-31 (prioritize land to accommodate new growth and increase connectivity in existing neighborhoods and other SoCal Connect goals), 4.8-33, 4.8-37 (Project's development patterns are designed to reduce VMT with higher density housing and local serving uses reducing the need to travel long distances, thereby reducing GHG emissions). However, keeping the Parcel in agricultural use would mean maintaining use of high emissions equipment and vehicles rather than further minimizing emissions associated with residential uses located near existing commercial, infrastructure, and schools, consistent with Project goals and as required by CEQA.

Keeping the lower density designation of the Property is therefore inconsistent with CEQA requirements to mitigate impacts to the extent feasible. It is also contrary to the Project goals of land use synergy, encouraging and promoting development of residential land uses near infrastructure that can support it. In addition, maintaining 5-acre minimum lots on septic so close to existing sewer service for the Plan area is sub-optimal. In contrast, utilizing the Property for Medium Density Residential as the County originally approved is consistent with good planning principles and the goals of the Project because the Property can be most easily developed for the least investment in infrastructure. In addition, this is contrary to the stated goal to “Reduce distances between housing, workplaces, commercial uses, and other amenities and destinations”. Therefore, it is appropriate change the designation of the Property in the Plan to higher density residential and, if necessary, under the Highway 79 Plan, to consider shifting that density from another location.

The Project is designed to produce the large amount of housing required by County RHNA allocation by minimizing GHG and Air Quality impacts to the extent it can. But the DPEIR still finds that impacts on both will be significant and unable to be fully mitigated.

The approaches identified in the DPEIR to minimize GHG and Air Quality impacts include:

- denser housing near existing transportation corridors
- planning housing and development adjacent to planned sewer lift station which will serve proposed development
- reduce distances between housing, work, commercial uses, and sustainable modes of transportation.

However, the Project does not maximize these goals. First, as described above by leaving the Property with an agricultural designation, the Plan does not maximize its opportunities to meet these goals within the Plan area. Second, while the Plan proposes to account for 30% of the County’s RHNA allocation it only provides for 21% of SCAG’s projected 33% in total County population increase by 2045. See DPEIR p. 4.14-9. This leaves a large amount of housing to be developed in the County outside the Project area with concomitant increases in Air Quality and GHG emissions and impacts. Adding 373 potential additional residential units by changing the designation of the Property (which is adjacent to the existing roadway network (including Scott Road and I-215) and a planned sewer lift station) would help minimize increases in AQ and GHG emissions that would occur from developing housing further from existing transportation and infrastructure to meet the County’s RHNA allocation.

IV. The Requested Modification Would Not Affect the Project’s overall Impact on Agriculture and Would not result in Material Reduction in Farmland of Importance

16-6

Appendix G of the CEQA Guidelines considers conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Significance to non-agricultural use to be a potentially significant impact. The Highway 79 Policy Area boundary in which the 77.7-acre Property is located includes approximately 50,061 acres. DPEIR, p. 1-2. The Highway 79 Policy Area includes a total of 17,345 acres of land the County designates as Important Farmlands, or 35% of the Planning Area.

Of the 17,345 acres, 14,487.63 is Farmland of Local Importance which is not a CEQA designation of significance. DPEIR, p. 4.2-2.

The Property is identified as Farmland of Local Significance in the Highway 79 Area Plan. DPEIR, Exh. 4.2-1. It is used for Dry Wheat Farming. It comprises approximately .005% of the 14,487.63 acres of Farmland of Local Significance in the Highway 79 Area Plan, .004% of the total 17,345 acres of Farmland in the Highway 79 Area Plan, and .002% of the total 50,061 acres in the DPEIR, pp. 1-2, 4.2-2. Rezoning the 77.7-acre Property would not have a material impact on agriculture land in the Highway 79 Policy Area. The County was previously willing to rezone the Property as a stand-alone project and rezoning the Property would entail a minor modification to the proposed Highway 79 Policy Area changes. If the County nevertheless wanted to preserve 77.7 acres zoned for agriculture, it would be better served by preserving Farmland of Local Importance, Prime Farmland, or Farmland of Statewide Importance located further from existing infrastructure and shift density from another location to the Property.

V. Conclusion

In conclusion, the County should reconsider the land use designation and zoning at the Property to Community Development, Medium Density Residential (2-5 du/ac), One-Family Dwellings (which would allow for a total of 388 units), consistent with the prior approval on the Property. This will assist the County in achieving good land management and planning practices and its Project goals, will support its prior infrastructure investment and minimize the need for future expenditures by taking advantage of existing and planned infrastructure. This approach would also allow the County to comply with CEQA's mandate that the County mitigate unavoidable impacts to the extent feasible.

Thank you for your attention to this matter. We are happy to discuss our proposal with you at any time.

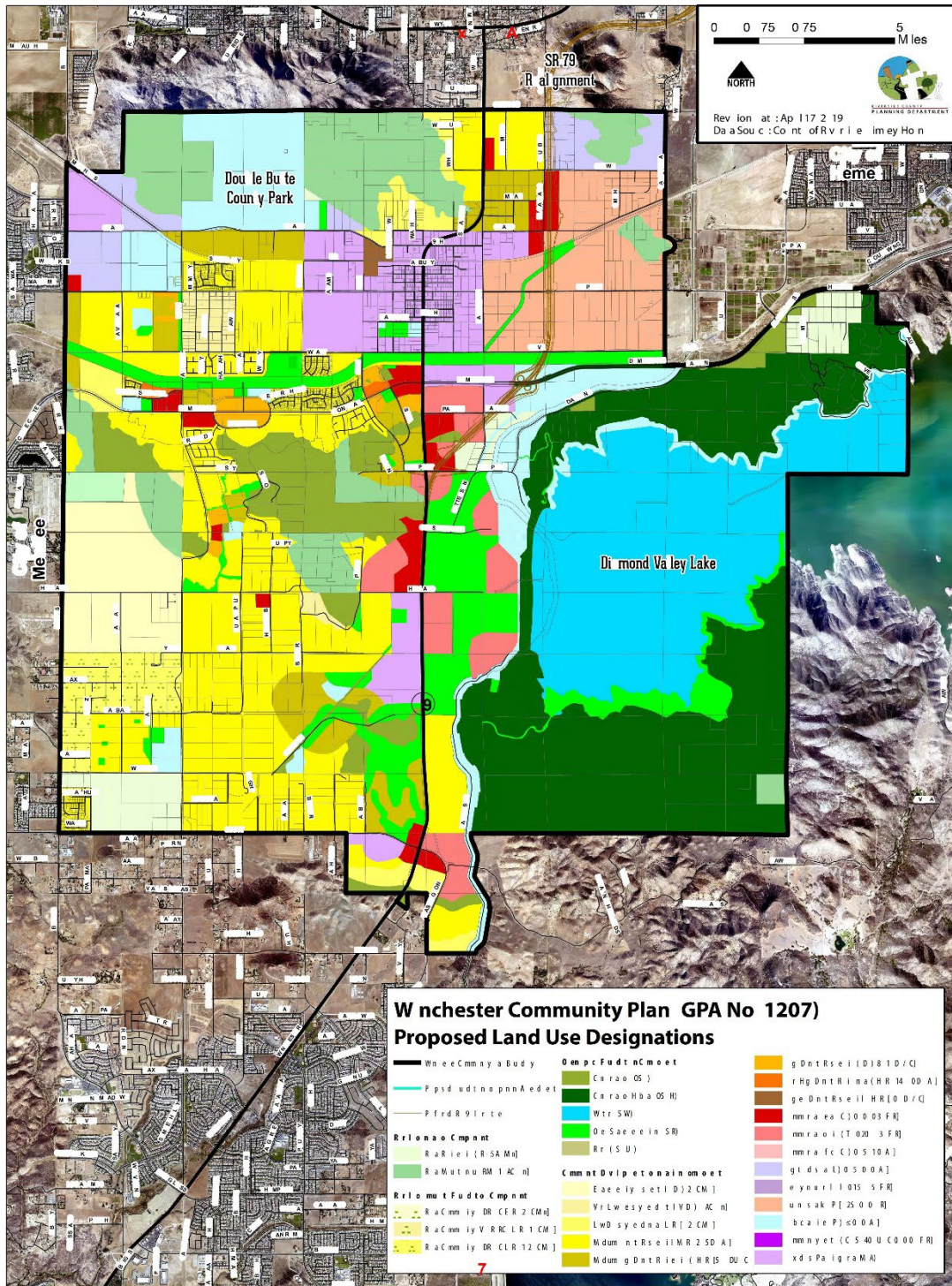
JPMB Investments, LLC
a Delaware limited liability company



By: Paul Onufer
Its: Manager

Cc: Jae E. Han, Trustee of the Jae E. Han Trust No. 1 dated October 31, 1994
Joong H. Choh
Sook P. Choh
Gene Byong Jin Oh
Kim C. H. Oh
Kyung Hwa Kay Ihm, Trustee of the Kyung Hwa Kay Ihm Trust No, 1 dated June 22, 1993
Tae H. Kim
Kwang W. Kim

16-7







Response No. 16

Paul Onufer, Manager, JPMB Investments

August 17, 2022

- 16-1 This comment provides a general introduction. The commentor is the manager of JPMB Investments, LLC, which is currently under contract to purchase 77.7 acres of land at the northeast corner of El Centro and Scott Road (Assessor's Parcel Number [APN] 466-220-029) and represents the owners of said parcel. The commentor also states they are supportive of the project. Responses to specific comments are provided below.
- 16-2 The commentor describes the local vicinity of the above-mentioned subject parcel and discusses the parcel's proximity to Highway 79, schools, the proposed sewer lift station, and other key infrastructure and amenities, including shopping, other commercial uses, and parks. As such, the commentor expresses that it would be opportune for the County to reconsider the parcel's General Plan Land Use and Zoning Designations from Rural Residential to one that allows for higher density, in light of the County's goal to meet its 6th Cycle RHNA allocation. This comment is noted and will be considered during project deliberations. This comment pertains to site-specific rezoning proposed under the Winchester Community Plan but does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted. (State CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.)
- 16-3 The commentor states that the property is currently designated as Rural/Rural Residential in the Riverside County General Plan and is zoned A-1-5, which would allow for a total of 15 units on the property. The commentor requests that the County consider a modification to the proposed project to designate the property as Community Development, Medium Density Residential (2-5 du/ac), One-Family Dwellings, which would allow for up to 388 dwelling units. Refer to Response 16-2.
- 16-4 The commentor reiterates the subject parcel's proximity to existing and planned infrastructure and community facilities described above, and their disagreement with the subject parcel's existing low-density General Plan Land Use and Zoning Designations. Refer to Response 16-2.
- 16-5 The commentor elaborates on the subject parcel's General Plan Land Use and Zoning Designations and states that modifying the Winchester Community Plan to permit the increased density of the subject parcel would enhance the County's ability to meet stated RHNA goals and air quality/greenhouse gas impact reduction goals. Refer to Response 16-2.



- 16-6 The commentor elaborates on the subject parcel's General Plan Land Use and Zoning Designations and states that modifying the parcel's General Plan Land Use and Zoning Designations would not result in agricultural impacts due to the minimal amount of acreage of Farmlands of Local Importance that the parcel comprises. Refer to Response 16-2.
- 16-7 This comment contains conclusive remarks, summarizing the contents and statements of the letter. This comment is acknowledged and does not raise any new issues. As such, no further response is necessary.



*emailed
Lmk dk*

MEMORANDUM

TO: Riverside County Planning Department
Manny Baeza/Paul Swancott

FROM: Joel Morse, T&B Planning, Inc.

DATE: August 17, 2022

RE: Comments on Winchester Community Plan, DEIR, and Winchester Design Guidelines

17-1

We appreciate the opportunity to review and comment on the Winchester Community Plan, DEIR, and Winchester Design Guidelines. Please see below for T&B Planning’s formal comments on the Winchester Community Plan, Draft EIR, and Winchester Design Guidelines dated July 2022. This Comment Memo identifies specific language from the Draft EIR and the Winchester Design Guidelines, followed by our comments and questions.

1. From the Executive Summary of Draft EIR Winchester Community Plan Section 1.3 (Project Summary) on Page 1-2.

“Amending the General Plan’s Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City/Meniffee Valley Area Plan to revise the existing Highway 79 Policy Area language by removing the 9% reduction in density for residential projects. This policy will be replaced with a fee on newly entitled dwelling units (not dwelling units already entitled), to fund mobility related improvements, such as but not limited to, a vehicle park-n-ride and transit station within the Winchester downtown core area.”

17-2

2. From the Executive Summary | Mitigation Measures TRA-2 (4.17 Transportation P1-26)

Mitigation Measure TRA1: “Prior to commencement of residential development within the Winchester PA and Highway 79 PA (excluding areas in the Downtown Core), the County shall undertake a nexus study and adopt an ordinance creating a Vehicle Miles Travelled (VMT) Mitigation Fee for the Community Plan Area. The VMT Mitigation Fee shall consist of a flat fee applied to any new development within the abovementioned areas and shall fund the development of a Transit Station and Park and Ride facility in the Downtown Core. The Mitigation Fee shall not be applied to any residential units developed in the Downtown Core. The ordinance and resulting Mitigation Fee shall be established prior to the issuance of building permits for any residential development in the Winchester and Highway 79 Policy Areas (excluding residential develop within the Downtown Core).

T&B Comments on the DEIR:

- A. Please identify where and when the Winchester Community Plan can be reviewed in it’s entirety.
- B. Please clarify what is meant by the term “*newly entitled dwelling units*” used in the Executive Summary on Section 1.3, Page 1.2.





- a. Please clarify what is meant by the term “entitled” in this context.
 - i. Are approved units within an existing adopted Specific Plan considered “entitled”?
 - ii. Does the term apply to the “maximum units” adopted or to the “target units” adopted in an existing approved Specific Plan?
 - iii. Are units approved on a Tentative Tract Map considered “entitled” under this definition?
- C. Please clarify what is meant by the term “any new development” used in Mitigation Measure TRA-2.
 - a. Please clarify whether the phrase “any new development” includes commercial residential development such as hotels, motels, congregate care facilities and similar quasi-residential units.
- D. Please clarify whether the phrase “newly entitled dwelling units” and “any new development” are being used interchangeably and have the same meaning in the DEIR and the Winchester Community Plan.
- E. Please clarify whether the “flat fee” would apply to the “maximum” units shown in an existing adopted Specific Plan or to the “target” units in an existing adopted Specific Plan.
- F. Please clarify whether the “flat fee” would apply to any residential lot not approved by a Tentative Map at the time the Mitigation Fee Ordinance is adopted.
- G. Please clarify whether the “flat fee” would apply to any residential lot not shown on a recorded Final Map.
- H. Will the VMT Mitigation Fee be assessed only on all “unentitled units” or only those “unentitled units” over the mid-point of the General Plan Land Use Designation?
- I. What is the time frame for completion of the Nexus Study?
- J. The language appears to indicate that no building permits within the Winchester Community Plan and Highway 79 Policy Areas until the Nexus Study is completed and the Ordinance establishing the VMT Mitigation Fee is approved.
 - a. In the event that the Nexus Study is delayed or the Mitigation Ordinance is challenged in court, does the County intend to establish a moratorium on the issuance of all building permits until the issue is resolved?
 - b. Does this prohibition apply only to “residential” building permits?

3. WINCHESTER COMMUNITY PLANNING DESIGN GUIDELINES

The proposed Winchester Community Planning Design Guidelines are an integral component of the project and intend to provide direction for site design, architecture, streetscapes, bicycle and pedestrian facilities, signage, and lighting, etc. for the plan area. County Planners would use these criteria in review of submittals to achieve high quality development and compatibility with adjacent land uses and the overall character of the community. The Design Guidelines would apply to those areas within the Winchester Policy Area boundary.

A. Existing Specific Plans (Page 2 of Design Guidelines): “Existing Specific Plans are adopted by resolution and the associated regulation is adopted by ordinance. These Specific Plans are deemed to be consistent with County guidelines at the time of adoption. In some cases, County guidelines were incorporated into the Specific Plans by reference. The design guidelines within each specific plan apply more specifically to the uses within that document. Adoption of the Winchester Design Guidelines (WDG) will not affect adopted specific plans, nor will their associated design elements become non-conforming.”

www.tbplanning.com

17-3





T&B Comments on Design Guidelines: Existing Specific Plans

1. Please clarify whether Amendments to adopted Specific Plan would be subject to the new Design Guidelines and therefore required to be updated to conform to the new Guidelines as part of the entitlement process.
2. Please clarify whether Substantial Conformance to an adopted Specific Plan would be subject to the new Design Guidelines as part of the entitlement process.
3. Please clarify the impact of the timing of the approval of these new Design Guidelines on Specific Plan projects in the entitlement pipeline?
 - a. More specifically, will Specific Plan Amendments that have been through numerous Screenchecks and for which staff has no further comments (prior to the adoption of the new Guidelines), be required to incorporate them?

B. Architectural Styles (Page 17 of Design Guidelines): “Four (4) architectural styles have been outlined for the Winchester Policy Area. Ranch, Farmhouse, Prairie, and Craftsman architectural styles establish types and levels of architectural detail which assist in achieving the design objectives.”

17-4

T&B Comments on Design Guidelines: Architectural Styles

1. Will future proposed Specific Plans or other implementing projects be required to use only the four styles in order to be found to be consistent with the General Plan?
 - a. Or will there be the flexibility to allow for the use of other styles that may be determined to be consistent with the styles contained in the proposed Design Guidelines?

C. Proposed Winchester Policy Area Land Use Designation Changes (Exhibit 3-11)

The Winchester Community Plan proposes to modify 116.5 acres within the SP293 (Planning Areas 1, 2, 3, and 4) from “Commercial Retail” to “Mixed Use Area”.

17-5

T&B Comments on Design Guidelines: Land Use Designation Changes

1. Please clarify how these land use modifications will affect current General Plan Amendment entitlement applications and the associated Specific Plans.
 - a. Planning Areas 1, 2 and 4 are the subject of “in process” GPA 1162, which proposes to designate these Planning Areas with a combination of Commercial Retail, Open Space-Recreation, and Highest Density Residential land uses, in support of proposed SP293-A6 project.
 - b. Please confirm that the proposed change to “Mixed Use Area” by the Winchester Community Plan would not affect the proposed land use designations of SP293-A6.



Response No. 17

Joel Morse, T&B Planning

August 17, 2022

17-1 This comment includes introductory language for the comment letter. Responses to specific comments are provided below.

17-2 The commentor requests the following additional information/clarification on text within the Draft EIR:

- Identify when/where the Winchester Community Plan can be reviewed;
- Clarify what is meant by “newly entitled dwelling units” in the Executive Summary;
- Clarify what is meant by the term “entitled”;
- Clarify what is meant by “any new development” in Mitigation Measure TRA-2;
- Clarify whether the terms “newly entitled dwelling units” and “any new development” are being used interchangeably;
- Clarify whether the “flat fee” would apply to any residential lot not approved by a Tentative Map or shown on a Final Recorded Map at the time the mitigation fee ordinance is adopted;
- Will the VMT mitigation fee be assessed on all “unentitled units” or only those “unentitled units” over the mid-point of the General Plan Land Use Designation;
- What is the timeframe for completion of the Nexus Study?
- In the event that the Nexus Study is delayed or the mitigation ordinance is challenged in court, does the County intend to establish a moratorium on building permits, and does this prohibition apply only to residential permits?

It is noted that the Draft Winchester Community Plan was made available for public review on August 15, 2024 on the County’s website.

The phrases “newly entitled dwelling units,” “entitled,” and “any new development” are considered colloquial and do not warrant additional clarification in the Draft EIR. It is noted that several Development Review Flowcharts are available on the County’s website that graphically outline the development review process. These are provided to help the public more easily understand the flow of work undertaken with different types of land use applications. Please visit <https://planning.rctlma.org/development-review-flowcharts> for these documents.

Refer to Response 4-2 for information regarding the VMT Mitigation Fee Nexus Study. All comments have been addressed; no further response is warranted.



- 17-3 The commentor requests further information/clarification on the Design Guidelines and their potential impacts to adopted Specific Plans. This comment pertains to the Design Guidelines for the Winchester Community Plan but does not identify a specific concern with the adequacy of the Draft EIR or note an issue or comment specifically related to the Draft EIR's environmental analysis under CEQA. Therefore, no further response is warranted. (State CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.) However, it is noted that the Design Guidelines were made available for available for public review on July 5, 2022 on the County's website.
- 17-4 The commentor requests that the County clarify if future proposed Specific Plans will be required to use only the four outlined architectural styles (Ranch, Farmhouse, Prairie, and Craftsman) in order to be found consistent with the General Plan. As discussed in Draft EIR Section 4.1, *Aesthetics*, development occurring as part of the proposed project would be subject to detailed planning to ensure high-quality development that it is complementary and compatible with the community character and design. The proposed Design Guidelines are an integral component of the project and intend to provide direction for site design, architecture, streetscapes, bicycle and pedestrian facilities, signage, and lighting, etc. for the plan area. The degree to which the Design Guidelines are met is subject to a finding or determination made by the County. Variations to either the design standards or guidelines may be considered by the Planning Commission or Board of Supervisors in the review of any project. Refer to Response 17-3.
- 17-5 The commentor requests that the County clarify how the proposed General Plan Land Use Designation changes will affect the current General Plan Amendment entitlement applications and associated Specific Plans, specifically in relation to the proposed SP293-A6 project. The Winchester Community Plan does not apply to previously entitled developments; however, it would apply to new single-family residential entitlements within existing adopted/approved Specific Plans. Refer to Response 4-2.



CITY OF MURRIETA

August 19, 2022

VIA E-MAIL AND U.S. MAIL

Manuel Baeza, Principal Planner
County of Riverside
4080 Lemon Street, 12th Floor
Riverside, CA 92501
E-Mail: mbaeza@rivco.org

Re: Draft Environmental Impact Report (EIR), State Clearinghouse No. 2019049114, for General Plan Amendment 1207 (GPA 1207), Winchester Community Plan project

Dear Mr. Baeza:

18-1 On behalf of the City Council of the City of Murrieta (“City”), I would like to take this opportunity to express concerns and demand 120 additional days to submit written comments on the Environmental Impact Report (“EIR”) for the proposed Winchester Community Plan project (“Project”). The Project will allow for the development of property within the County of Riverside (“County”) just across the northeast boundary of the City, hence, the Projects will result in impacts to the City’s residents and resources. While the City understands the need to allow the development of real property and the creation of additional housing units, the City is extremely concerned that significant and irreversible environmental impacts to the residents of Murrieta will not be adequately addressed in the EIR, as required pursuant to the California Environmental Quality Act (Public Resources Code § 21000 *et seq.*, “CEQA”) and the CEQA Guidelines (14 Cal. Code of Regulations §§ 15000 – 15387).

18-2 As a result of the City’s obvious concern about the Project, in November of 2021, I sent an email to members of the Project team requesting notice of all documents relating in any way to the Project. Despite this request and despite the legal obligations of the County, as the lead agency, to send the City a notice of preparation of the EIR and notice of circulation of the EIR, the County failed to give the City notice of either the completion or circulation of the EIR. The City only inadvertently discovered yesterday, what we believe to be the forty-fifth and final day of circulation of the draft EIR, that the EIR had been released in July.

As a threshold matter, the City takes issue with County's tactics in depriving the public of its opportunity to be involved in, and receive timely information about, the Project and the EIR. By email, City staff requested notification from the County about any updates from the County about the Project, evidenced by the repeated emails by me, the City's Director of Development Services. Despite repeated assurances from County that the City would be kept up to date on the Project, related technical studies and environmental documentation, none were provided.

The County's failure to provide the information about the proposed CEQA action deprived the City and its residents of the opportunity to be involved in a meaningful, robust, and thorough manner to analyze and comment on the Project and potential environmental impacts to the City, its residents, and its resources. As the City only discovered the County's lack of notice on the last day of the comment period, the City nevertheless desires an opportunity to provide comments and expects that County will address the City's comments, without raising any issue regarding the timeliness of these comments.

Courts have allowed late challenges to a CEQA action where a lead agency misled the public so as to prevent an interested party from timely filing a CEQA challenge. In *Citizens for a Responsible Caltrans Decision v. Department of Transportation*, (2020) 46 Cal.App.5th 103, for example, Caltrans assured the public in its draft and final environmental impact reports that it would file a notice of determination under CEQA if the decision were made to approve the highway interchange construction project. Caltrans then issued a notice of exemption from CEQA instead before the end of the public comment period, while proceeding to circulate the environmental impact report, collect comments, and respond to those comments. The court found that Caltrans knew of its position that the project was exempt from CEQA and it would approve the project and file a notice of exemption, but nevertheless made misrepresentations to the public that it would approve project only after complying with CEQA requirements. Those facts were sufficient to find that Caltrans was estopped from asserting the untimeliness of challenging the notice of exemption.

Because the City requested that the County provide the City notice of documents and meetings relating to the Project, the basis of the ruling in the *Citizens for a Responsible Caltrans Decision* case applies to the City's time to submit environmental comments on the EIR after the initial comment period has expired in light of the assurances from County staff I received that the City would receive proper CEQA notice for the Project in order to have time to submit comments on the EIR amply support this point. As such, as a showing of good faith, the County should agree to allow the City 120 days to submit comments on the EIR which comments shall be deemed timely.

Should the County fail to agree to this stipulation, the City will have no option but to consider its right to pursue further action on the Project and the EIR. To this end, we encourage County to advise Murrieta no later than August 24, 2022 if County will provide the requested extension and work with the City to arrive at a solution that is a benefit, rather than a burden, to the community, or the City Council will be forced to consider its legal options.

Manuel Baeza
August 19, 2022
Page 2

18-3

Lastly, the City reiterates the request that the City receive timely notification of all documents and hearings relating to the Project and the EIR. The City looks forward to County's timely response to the concerns raised herein.

Very truly yours,

CITY OF MURRIETA



David Chantarangsu, AICP
Development Services Director

cc: Kim Summers, City Manager (via email)
Ivan Holler, Assistant City Manager (via email)
Tiffany J. Israel, City Attorney (via email)



Response No. 18

David Chantarangsu, Development Services Director, City of Murrieta

August 19, 2022

- 18-1 The commentor requests 120 additional days to submit written comments on the Winchester Community Plan Draft EIR and states the project would impact the City of Murrieta’s residents and resources based on its relative proximity to the City. The County of Riverside extended the Draft EIR’s public review period by an additional 35 days to September 23, 2022 to allow for adequate review and commentary by the City of Murrieta and other public agencies and stakeholders. As described throughout the Draft EIR, future site-specific development accommodated by the Winchester Community Plan would be assessed on a case-by-case basis for environmental impacts, including potential impacts to adjacent jurisdictions where appropriate (i.e., the City of Murrieta). This comment does not raise a specific issue regarding the adequacy of the Draft EIR or its environmental analysis; see State CEQA Guidelines Section 15088(c), which states that the level of detail contained in a response may correspond with the level of detail provided in the comment. Refer to Comment Letter 23 for responses to the City of Murrieta’s second letter that was received during the extended public review period.
- 18-2 The commentor claims the City of Murrieta did not receive a Notice of Preparation of the Draft EIR and notice of circulation of the Draft EIR. The County of Riverside affirms that the City of Murrieta was mailed a Notice of Preparation (NOP) of the Draft EIR on April 18, 2019, as well as Notice of Availability (NOA) of the Draft EIR on July 5, 2022 in the care of the Planning Department, at 1 Town Square, Murrieta, CA 92562. The County will continue to notify Murrieta of subsequent environmental notices/meetings regarding the proposed project and all future developments within the Winchester Community Plan with the potential to impact the City of Murrieta.
- 18-3 The commentor’s final remarks request for timely notification of future documents and hearings related to the project. The City of Murrieta will be notified of all subsequent environmental notices and meetings related to the project.

September 19, 2022

Direct Dial: 949.851.7409
Email: mstaples@jacksontidus.law
Reply to: Irvine Office
File No: 4063-28900

VIA ELECTRONIC MAIL (pswancott@rivco.org; mbaeza@rivco.org)

Paul Swancott, Project Manager
Manuel Baeza, Principal Planner
County of Riverside
TLMA Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Re: Domenigoni-Barton Comments on Winchester Community Plan Draft Environmental Impact Report, State Clearinghouse No. 2019049114, for General Plan Amendment 1207 (GPA 1207), and associated Nexus Study

Dear Messrs. Swancott and Baeza:

The following comments are submitted on behalf of the Domenigoni-Barton Properties entities (collectively, “Domenigoni-Barton”), owners of the County-approved Domenigoni-Barton Specific Plan No. 310 (“Specific Plan 310”) for which Environmental Impact Report No. 421 (“EIR 421”) was certified.

1. Introduction and Summary of Comments.

Specific Plan 310 provides land use, circulation, conservation and infrastructure guidance for development of a mixed use community including up to 4,186 residential units on approximately 1,734.5 acres of land in the Winchester area. For the reasons discussed below, the County of Riverside should:

- *extend the comment period for the Draft Environmental Impact report for the Winchester Community Plan (General Plan Amendment No. 1207) (“Draft EIR”) from September 23, 2022 to at least 45 days after the County makes available for public review: (1) the proposed text of the Winchester Community Plan update and corresponding revisions to the General Plan’s Harvest Valley/Winchester Area Plan, Sun City/Menifee Area Plan, and Southwest Area Plan; and (2) a legally compliant Nexus Study;*
- *include an exemption from the proposed Vehicle Miles Traveled (“VMT”) Mitigation Fee, the associated freeze on development until adoption of the fee, and other mitigation measures proposed by the Draft EIR for projects consistent with County-*

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approved specific plans including the Domenigoni-Barton Specific Plan 310 and EIR 421 that have incorporated the 9% reduction policy and completed environmental review in compliance with the California Environmental Quality Act (“CEQA”, Pub. Res. Code sec. 21000, et seq.) and CEQA Guidelines (14 Cal. Code Regs. sec. 15000, et seq.). Project applicants who wish to amend their specific plans to increase their density should pay the VMT Mitigation Fee only for the portion of density increased and applicants who do not should be able to proceed with the 9% reduction under their approved Specific Plans and CEQA documents; and

- ***include an overlay or policy area to enable the Domenigoni-Barton property to be developed under Specific Plan 310 and EIR 421 that were revised and approved by the County as necessary to comply with the Court Decision entered May 8, 2003 in Endangered Habitats League and City of Temecula v. County of Riverside, Riverside County Superior Court Case No. RIC369801 (“Court Decision”, attached as Exhibit 1).***

The Domenigoni-Barton Specific Plan area extends along SR 79 from Keller Road on the South to Holland Road on the north. Domenigoni-Barton is the largest landowner impacted by the proposed Winchester Community Plan update. The southernmost area of the Domenigoni-Barton property is currently within the Highway 79 Policy Area but is proposed to be added to the Winchester Policy Area. (See, EIR Exhibits 3-3, 3-4.) Because the proposed Winchester Policy Area policy updates have not been made available for public review during the comment period on the Draft EIR, Domenigoni-Barton is unable to evaluate potential land use inconsistencies and other environmental impacts.

Additionally, as discussed in greater depth below, the County should exempt Specific Plan 310 from the VMT Mitigation Fee and other mitigation measures proposed by the Draft EIR because the County already approved EIR 421 and no changes are proposed to Specific Plan 310. The County would be violating CEQA by imposing additional mitigation measures when there is no substantial change proposed to the specific plan.

Also, delaying development indefinitely and imposing a VMT Mitigation Fee on an approved project such as Specific Plan 310 that has a certified EIR, as proposed in Mitigation Measure TRA-1, violates both CEQA and state housing laws. The 9% reduction was one of the revisions to Specific Plan 310 approved by the County to bring the Domenigoni-Barton project into compliance with CEQA and satisfy the Court Decision. Because of the unique litigation circumstances of Specific Plan 310, the County should include an overlay or policy area that covers properties within the Domenigoni-Barton Specific Plan 310 to enable their development under Specific Plan 310 in compliance with the Court Decision. Such a proposal is in line with the County’s existing General Plan which provides for overlays and policy areas to address local conditions. (See, for example, Harvest Valley/Winchester Area Plan, p. 19.)

Domenigoni-Barton is willing to work with the County to resolve its concerns while the Winchester Community Plan concept is pursued.

2. **The Draft EIR Does Not Comply With Basic CEQA Requirements and is Susceptible to Successful Legal Challenge.**

A. *CEQA does not allow the County to impose additional CEQA review and mitigation on projects that already have approved CEQA documents, such as Specific Plan 310.*

19-2 The Draft EIR wrongly evaluates the proposed additional 9% density as though the potential increase of 12,329 dwelling units is being added to previously approved projects including Specific Plan 310. The County then wrongly imposes mitigation measures on all future development to address the potential impacts of the increased density, including development implementing Specific Plan 310 and other approved projects with approved CEQA documents.

CEQA prohibits the County from requiring additional environmental analysis and mitigation unless there are substantial changes or substantial new information. (CEQA § 21166; CEQA Guidelines § 15162.) The County-approved Specific Plan 310 expressly limits the number of residential units to a maximum of 4,186 and no changes are proposed to Specific Plan 310. Also, changes in CEQA threshold guidelines, such as VMT and GHG thresholds, are not “new information”. (CEQA Guidelines § 15007(c); *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301; *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515, 532.) In the *Concerned Dublin Citizens* case, a project opponent argued that new threshold guidelines for GHG emissions came out after the EIR for the project was certified in 2002 and therefore constituted significant and new information requiring a supplemental EIR for a subsequent project. The court rejected the argument and found that the new threshold guidelines did not constitute “new information” requiring additional environmental review. Likewise, the new threshold guidelines that came to light after EIR 421 was certified for Specific Plan 310 do not justify the imposition of additional mitigation measures on development implementing the specific plan.

Unless and until there are “substantial changes” to Specific Plan 310 or “substantial new information” as defined in CEQA section 21166 and CEQA Guidelines section 15162, the County has no authority to impose the VMT Mitigation Fee or other mitigation measures in the Draft EIR as additional mitigation for development projects implementing Specific Plan 310.

B. *The Winchester Community Plan documents that comprise the Project evaluated by the Draft EIR have not yet been published.*

19-3 Under CEQA, a “project” is the whole of an action, specifically including amendment of local General Plans or elements thereof. A project does not mean each separate governmental approval. (CEQA Guidelines §§ 15378(a), (c).)

The Draft EIR's Project Description lists several proposed amendments to the General Plan, including, among other things:

- Amendments to the Harvest Valley/Winchester Area Plan, Southwest Area Plan, San Jacinto Valley Area Plan, and Sun City Area Plan; and
- Corresponding amendments to General Plan Land Use and Circulation Elements, Design Guidelines and administrative and implementation programs.

The Draft EIR attempts to provide a brief summary of the Project's proposed amendments, but the summary is inconsistent throughout the EIR. For example, the Draft EIR's "Project Characteristics" section says that amendments are proposed to 4 of the General Plan's 19 area plans (Draft EIR p. 3-4, Item No. 4), but the "Area Plan Amendments" section says amendments are proposed to 3 area plans. (Draft EIR p. 3-6.)

As of the date of these comments, the text of the amendments proposed to the area plans and General Plan policies have not been published. Only the Design Guidelines have been published. The EIR is legally deficient because it does not provide sufficient information to analyze or mitigate the environmental impacts that may result from proposed amendments to policies and standards that may be incompatible with those in Specific Plan 310 and other approved projects.

As stated in *McQueen v. Board of Directors of the Mid-Peninsula Regional Open Space District* (202 Cal. App. 3d 1136, 1143), "An accurate project description is necessary for an intelligent evaluation of potential environmental effects of a proposed activity." An incomplete project description necessarily renders all further analyses and determinations ineffectual. Without a clear definition of the activities to be undertaken, the CEQA process cannot ensure that all impacts of the Winchester Community Plan Project have been mitigated to the extent feasible, because the ultimate extent of project activities is not fully defined.

It is critical that the Project Description be as clear and complete as possible so that the public is provided a meaningful opportunity to comment and the County and responsible agencies may make informed decisions regarding the proposed Project. ***For these reasons, we ask the County to extend the comment period on the Draft EIR for at least 45 days after the proposed amendments to the area plans and General Plan policies are published.***

C. *The Draft EIR fails to evaluate the Project's potential land use and environmental impacts on approved Specific Plans such as Specific Plan 310.*

A substantial portion of both the Winchester Policy Area and Highway 79 Policy Area is comprised of approved Specific Plans including Specific Plan 310. (See EIR Exhibits 3-8, 3-9.) Each specific plan identifies the maximum number of dwelling units it will accommodate, the variety of housing types it will include, and reserves space for open space and, in the case of Specific Plan 310, habitat, commercial and other non-residential complimentary uses to promote

a mixed-use community. Specific plans are a useful tool in affirmatively furthering fair housing by requiring that infrastructure be available for the entire development and facilitating the development of a variety of housing types and uses within a connected neighborhood rather than isolating uses. As described in the General Plan Housing Element, specific plans continue to be an integral part of development in Riverside County and will be used to facilitate the development of high-density housing to accommodate lower-income households near services and in areas with adequate infrastructure. (Riverside County 6th Cycle Housing Element Update, p. P-93.)

The Draft EIR fails to disclose and evaluate the proposed Winchester Community Plan update's potential land use inconsistencies with those approved specific plans. For example, the indefinite freeze on development proposed by Mitigation Measure VMT-1 interferes with Specific Plan 310's orderly development of housing, infrastructure and nearby employment opportunities and services. (See, Riverside County 6th Cycle Housing Element Update, p. P-97.) There may also be land use inconsistencies and other environmental impacts resulting from the yet-to-be-published proposed amendments to standards and policies in area plans and General Plan elements that are intended to implement the lifting of the 9% unit reduction, VMT standards and mitigation measures in the Draft EIR.

The County anticipates that the majority of the County's housing needs during the next eight years will occur within the sphere of influence areas of incorporated cities, and in areas for which specific plans or tract maps have been prepared. (Riverside County 6th Cycle Housing Element Update, pp. P-101.) As shown on Housing Element Table P-46, the Domenigoni-Barton Properties Specific Plan 310 accounts for 4,186 above-moderate housing units that the County is relying on to meet a portion of the County's Regional Housing Needs Assessment ("RHNA"). (Riverside County 6th Cycle Housing Element Update, p. P-132.)

Because the County relies on the development of Specific Plan 310 and other specific plans to achieve its RHNA, any proposed policy amendments and freeze on development that impairs development of approved specific plans creates inconsistency with the General Plan's Housing Element.

We appreciate the clear statements in the Design Guidelines confirming that the design guidelines within specific plans, including Specific Plan 310, apply more specifically to the uses within that document and that the Winchester Design Guidelines will not affect adopted specific plans nor will their associated design elements become non-conforming. (Draft Design Guidelines, pp. 2-3.) However, the Nexus Study is clear that the VMT Mitigation Fee "applies to new single-family residential entitlements within an existing adopted/approved Specific Plan". As a result, the freeze on residential development included in Mitigation Measure TRA-1 impairs development of Specific Plan 310 and other specific plans that the County is relying on to provide housing, infrastructure, employment opportunities and services to the area.

Given the importance of Specific Plan 310 and other specific plans to the area's housing and economic development, the County should exempt them from the VMT Mitigation Fee and development freeze under Mitigation Measure TRA-1.

D. *The Draft EIR's traffic impact analysis wrongly relies on the unfunded SR 79 Realignment Project.*

19-5 The MND's discussion of the transportation impacts resulting from the Project's proposed 9% increase in allowable dwelling units analyzes those Project impacts as though the SR 79 improvements have been completed. (Draft EIR pp. 3-8, 6-4.) CEQA does not allow evaluation of project impacts in light of "paper" mitigation measures; that is, mitigation measures that are simply planned, but are not incorporated into the current project. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 430 ("Vineyard"); *Planning & Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892, 908, fn. 5).

In fact, although the SR 79 improvements have been in the planning process for decades and were formally approved over 5 years ago, the billion-plus price tag of the realignment project is not even funded, is not estimated to be funded for another 10 years according to the Riverside County Transportation Commission, and only then will acquisition of the necessary rights-of-way and implementation of the realignment project *begin*.

The Draft EIR's analysis of transportation impacts is similar to the analysis that the Riverside County Superior Court overturned in the Domenigoni-Barton Specific Plan's EIR originally approved by the County. In that case, the Court held that it was improper for the County to rely on non-existent "paper roads" to come to the conclusion that traffic impacts will be less than significant. The Court also held that the County's failure to make completion of the "paper roads" a condition of Project approval or mitigation measures enforceable through a mitigation monitoring program amounted to improper deferral of analysis and deferral of mitigation. (Court Decision, pp. 4-5.)

3. **The Program EIR and Nexus Study Do Not Comply With the Informational Requirements of the Mitigation Fee Act and CEQA, and Cannot Support Legal Findings Required to Impose the VMT Fee.**

19-6 The County proposes to impose the VMT Mitigation Fee on all new development within the Winchester Community Plan area, including development within approved specific plans, to fund one multi-modal (Metrolink) facility and one park and ride facility. (Nexus Study, pp. 1, 3.)

Impact fees such as the VMT Mitigation Fee must be adopted based on findings of a reasonable relationship between the development paying the fee, the size of the fee, and the use of fee revenues. As discussed above, there is no reasonable relationship between the proposed

fee and development within approved specific plans with approved CEQA documents paying the fee.

Additionally, the Draft EIR and Nexus Study fail to include a sufficient summary of the data upon which the County evaluated the costs to be funded by the VMT Mitigation Fee, in violation of both CEQA and the Mitigation Fee Act. (CEQA Guidelines § 15147.) Exacerbating the problem, the County failed to provide any supporting data to enable the public to independently access the comparable multi-modal transit and park and ride facilities constructed in nearby communities within Riverside County referenced at Nexus Study pages 2 and 3. (Gov. Code §§ 66016(a), 66016.5; CEQA Guidelines § 15148.)

The Draft EIR, Design Guidelines and Nexus Study do not include information about the size, location, facilities or other features of the park and ride and multi-modal center to be funded by the VMT Mitigation Fee. As a result, the Nexus Study does not provide substantial information needed to support the findings necessary to approve the fee.

Additionally, the \$8 million cost estimate for the proposed Metrolink facility “does not include land acquisition costs.” (Nexus Study p. 2.) The Nexus Study does not confirm the location or amount of land needed for the Metrolink facility and whether the land is already publicly owned for such purpose or other reason for omitting land acquisition costs. Of course, landowners whose land will be needed for the park and ride and multi-modal facilities could not be required to dedicate the land as a development exaction on their particular projects because the scope and amount of any such development exaction would far exceed their impacts (*Dolan v. City of Tigard*, 512 U.S. 374 (1994)). Rather, the landowners contributing land for such regional improvements are entitled to payment of just compensation.

Without access to the data and information upon which the EIR and Nexus Study base the VMT Mitigation Fee, the fee cannot be approved. ***The County should prepare a legally compliant Nexus Study including the backup data and information relied on for the facilities’ costs.***

4. The VMT Fee Violates CEQA by imposing mitigation on Specific Plans such as Specific Plan 310 that already have approved CEQA documents and mitigation measures for traffic impacts.

When a CEQA document has already been approved for a development project, CEQA prohibits the County from requiring additional environmental analysis unless there are substantial changes or substantial new information. (Pub. Res. Code § 21166.) The proposed Winchester Community Plan update unlawfully sidesteps this prohibition.

Additionally, amendments to the CEQA Guidelines, such as the VMT requirements of CEQA Guidelines section 15064.3, apply only prospectively. (CEQA Guidelines § 15007(b).) Any proposed new VMT Mitigation Fee would be irrelevant to Specific Plan 310 and cannot freeze development under the specific plan because when EIR No. 421 was certified, Level of

Service was the applicable threshold, not VMT. (CEQA Guidelines § 15007(c).) The use of the new VMT analysis as a threshold for evaluating traffic impacts does not affect the assessment of development projects in conformance with Specific Plan 310. (See, for example, *Concerned Dublin Citizens v. City of Dublin* (2013) 214 cal.App.4th 1301 [“However, the adoption of guidelines for analyzing and evaluating the significance of data does not constitute new information if the underlying information was otherwise known or should have been known at the time the EIR was certified”].)

The County should recalculate the fee based on new development over and above the maximum unit count approved in Specific Plan 310 and other approved specific plans and projects with approved CEQA documents.

5. **The Proposal to Freeze Residential Development Pending Adoption of the VMT Fee Violates California Housing Laws.**

Mitigation Measure TRA-1 requires the County to undertake a nexus study and adopt an ordinance creating a VMT Mitigation Fee for the Community Plan Area before residential development will be allowed to commence within the area. (EIR p. 4.17-23) TRA-1 has the effect of imposing an open-ended moratorium on residential development.

The state housing laws address the current housing crisis by encouraging residential development of projects that are consistent with approved land use and zoning such as Specific Plan 310. The Housing Crisis Act (SB 330) prohibits the County from enacting a development policy that would have the effect of imposing a moratorium or similar restriction or limitation on housing development other than to specifically protect against an imminent threat to the health and safety of persons residing in, or within the immediate vicinity of, the area subject to the moratorium. (Gov. Code § 66300(b)(1)(B)(i).) Any freeze on development of housing within Specific Plan 310 under proposed Mitigation Measure TRA-1 would violate the Housing Crisis Act.

6. **Conclusion.**

For the reasons discussed above, the current Draft EIR and Nexus Study are vulnerable to successful legal challenge. Any development projects moving forward in reliance on the Draft EIR and VMT Mitigation Fee will be stuck in the litigation quagmire, unnecessarily delaying development of housing, infrastructure, employment centers and services to the area.

To remedy these problems, the County should:

- extend the comment period for the Draft EIR from September 23, 2022 to at least 45 days after the County makes available for public review: (1) the proposed text of the Winchester Community Plan update, and corresponding revisions to the General Plan’s Harvest Valley/Winchester, Sun City/Menifee, and Southwest

Area Plans, all of which are the subject of the Draft EIR; and (2) a legally compliant Nexus Study; and

- include an exemption from the proposed VMT Mitigation Fee (and the associated freeze on development until adoption of the fee) for projects implementing County-approved specific plans with CEQA documents that incorporated the 9% reduction policy (like the Domenigoni-Barton Specific Plan 310 and Final EIR No. 421), so that project applicants who wish to amend their specific plans to increase their density would pay the VMT fee only for the portion of density increased, and applicants who do not can proceed with the 9% reduction under their approved Specific Plans and CEQA documents.

Thank you for considering these comments.

Sincerely,



Michele A. Staples

Enclosure

Cc: Supervisor Chuck Washington (c.washington@rivco.org)*
Mr. Juan C. Perez, Chief Operating Officer (jcperez@rivco.org)*
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*via email, with Enclosure

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

TITLE: Endangered Habitats League vs. County of Riverside	DATE & DEPT: 5/8/03 D-3	NUMBER: RIC369801
COUNSEL: None present	REPORTER: None	

PROCEEDING:
STATEMENT OF DECISION

The above-entitled cause came on regularly for hearing on November 25, 2002 in Department 3 of the above-entitled court, the Honorable E. Michael Kaiser, Judge, presiding. Carl T. Sedlack and Raymond W. Johnson of the law offices of Sedlack and Johnson appeared on behalf of petitioner, Endangered Habitats League, Inc. Rochelle Brown, Kelly A. Casillas and David M. Snow of the law offices of Richards, Watson & Gershon appeared on behalf petitioner, City of Temecula. Timothy L. Neufeld and Saul Jaffe of the law offices of Neufeld & Jaffe appeared on behalf of respondents, County of Riverside and Board of Supervisors. John C. Condas and Darren W. Stroud of the law offices of Jackson, DeMarco & Peckenpaugh appeared on behalf real party in interest, Domenigoni Properties.

Petitioners, Endangered Habitats League (EHL) and City of Temecula (Temecula), challenge the approval by respondent, County of Riverside (County) of a development project proposed by real party, Domenigoni-Barton Properties. The project is composed of the Domenigoni-Barton Specific Plan No. 312, Comprehensive General Plan Amendment No. 573, General Plan Amendment No. 451, and Zone Change No. 6359. The project site is approximately 1,735 acres in the southwestern portion of Riverside County which is part of the Southwest Area Community Plan ("SWAP") as designated by the County's General Plan. The project proposes 4,600 residential units, 215 acres of commercial development, 167 acres of mixed-use development, an 18-hole golf course, three schools, and park sites.

Two petitions have been filed challenging the project:

Petitioner EHL (Case No. RIC 369801) alleges that respondent County certified the EIR prepared for the project and approved the project on Dec. 18, 2001 despite the fact that the project would involve significant impacts, including impacts to land topography, biological resources, air quality, noise, traffic and circulation, and water and sewer service. Petitioner Endangered Habitats' petition contains 8 causes of action: 1) failure to address significant impacts, 2) failure to consider cumulative and growth inducing impacts, 3) mitigation measures improperly deferred, 4) failure to adopt feasible mitigation, 5) uncertain mitigation measures, 6) failure to evaluate adequacy of water supply, 7) improper rejection of environmentally superior alternatives, and 8) General Plan inconsistency.

Petitioner City of Temecula (Case No. RIC 369989) makes similar allegations. Temecula's first Amended Petition contains two causes of action seeking mandamus relief: 1) failure to comply with CEQA, and 2) violation of planning and zoning laws.

____ KAISER _____, Judge

____ Portillo(re) _____, Clerk

The petitions are opposed by both respondent County and real party Domenigoni-Barton Properties. In addition to opposing the merits of the arguments made by petitioners, respondent and real party also argue a number of affirmative defenses. They contend that petitioners failed to exhaust administrative remedies, lack standing, and that the General Plan inconsistency claim is time-barred.

I. Petition by City of Temecula

Temecula's opening brief essentially raises two main points. First, in connection with its first cause of action, Temecula argues that respondent County violated CEQA because the EIR failed to adequately address traffic impacts. Temecula claims that the EIR improperly deferred environmental analysis of traffic impacts and failed to impose feasible mitigation measures. Secondly, in connection with its second cause of action, Temecula argues that project approval must be set aside because the project is inconsistent with the County's General Plan.

A. Affirmative Defenses:

The affirmative defenses raised by the oppositions do not have merit and are insufficient to defeat the petition.

1. Failure to exhaust administrative remedies:

The requirement of exhaustion of administrative remedies is codified under CEQA pursuant to Pub. Res. C. §21177. Similarly, Gov. C. §65009(b) requires exhaustion of administrative remedies for General Plan challenges. The oppositions, particularly from Respondent County, contend that Temecula failed to raise the factual and legal issues during the administrative process that it is now attempting to assert in this action.

First of all, CEQA's exhaustion requirement is not very strict. While exhaustion of administrative remedies is a jurisdictional prerequisite for maintaining an action (Coalition for Student Action v. City of Fullerton (1984) 153 Cal.App.3d 1194; Corona-Norco Unified Sch. Dist. v. City of Corona (1993) 17 Cal.App.4th 985), Pub. Res. C. §21177 allows any party who participated in the CEQA process to raise not only objections made by that party but any objections made by any other party. (Resource Defense Fund v LAFCO (1987) 191 Cal.App.3d 886.) In addition, the objections do not have to be raised with the same specificity as in the trial briefs. It is enough that respondent was "fairly apprised" of the issues at the administrative level. (Save Our Residential Environment v. City of West Hollywood, (1992) 9 Cal.App.4th 1745.)

Temecula points out that its concerns regarding traffic impacts were raised by Temecula and others during the administrative proceedings. (Relying on 14 AR T112:5588-92; 15 AR T117:5714-16, 5765-67; 16 AR T134:6275-79, T149:6431; 22 AR T165:8012-13, 8000, 8128-29, 8140) Similarly, Temecula points out that its concerns regarding consistency with the General Plan were raised during the administrative proceedings. (16 AR T134:6275-79; 22 AR T165:8128-29, 8140-41.)

The court finds that exhaustion requirements have been met with respect to Temecula's petition.

____ KAISER _____, Judge

____ Portillo(re) _____, Clerk

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2. General Plan inconsistency claim is time-barred:

Respondent County claims that Temecula's General Plan inconsistency claim is time-barred. Respondent contends that Temecula's arguments are not actually challenges to the Domenigoni-Barton Specific Plan, but rather a disguised attack on the County's General Plan itself. The County argues that Gov. C. §65009(c)(1) requires that an action challenging a General Plan be brought within 90 days. (Napa Citizens for Honest Government v. Napa Bd. Of Supervisors (2001) 91 Cal.App.4th 342) Since the General Plan was adopted in 1984, respondent concludes that petitioner's action is 18 years too late.

However, it appears that Temecula's challenge is actually directed against the Domenigoni-Barton Specific Plan and project's General Plan amendments approved on Jan. 18, 2002. While petitioner does contend that there are inadequacies in the County's General Plan, the gravamen of its claim is that, because of those inadequacies, respondent cannot find that the amendments and the specific plan are consistent with the General Plan as required by Gov. C. §65454. (Save El Toro Assn. v. Days (1977) 74 Cal.App.3d 64.) To the extent that petitioner's attack is directed primarily at the specific plan and the General Plan amendments which comprise the project, its claim is not time-barred.

3. Standing:

Real Party Domenigoni-Barton Properties argues that petitioner must have a "geographical nexus" to challenge the project based on noncompliance with CEQA or General Plan inconsistency. (Waste Mgmt. of Alameda County, Inc. v. County of Alameda (2000) 79 Cal.App.4th 1223; City of Irvine v. Irvine Citizens Against Overdevelopment (1994) 25 Cal.App.4th 868.) Real party concludes that Temecula cannot satisfy such nexus because the project is not within the City's sphere of influence.

However, the cases cited by real party do not support the "nexus" argument. Instead, the appropriate test is whether petitioner is threatened with injury by the challenged action or whether petitioner may be harmed by the environmental effects of the project. (City of Irvine v. Irvine Citizens Against Overdevelopment, supra, 25 Cal.App.4th at 874; Bozung v. LAFCO (1975) 13 Cal.3d 263.) The subject project is located several miles from Temecula and the roadways impacted by the project run through Temecula. The EIR itself recognized the traffic impacts on Temecula by analyzing intersections within the City's sphere of influence. (25 AR T165:9063, 9299)

B. The Merits of Temecula's Petition:

The court grants Temecula's petition for writ of mandate as to its first cause of action asserting violation of CEQA. The court denies as to the second cause of action.

1. CEQA:

Petitioner claims that the EIR's analysis of the project's traffic impacts is inadequate and the County failed to mitigate significant adverse traffic impacts. Petitioner contends that the traffic study is based on proposed highways and local street systems that are non-existent or only dirt roads.

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Petitioner complains that the traffic study distributes project traffic onto these non-existent "paper roads" to come to the conclusion that the traffic impacts will be less than significant. Petitioner also criticizes respondent County's failure to make completion of the "paper roads" a condition of project approval or mitigation measures enforceable through a mitigation monitoring program.

Petitioner also argues that the EIR fails to disclose the project's cumulative impacts. Specifically, petitioner contends that the cumulative impact analysis failed to include and consider the impacts from other residential projects which were approved or are planned in the general vicinity of the subject project.

Petitioner also accuses respondent County of engaging in improper segmentation or "piecemealing." Petitioner contends that all the projects in the area should have been considered together as one whole project; i.e., respondent should not have allowed the project proponents for the Domenigoni-Barton Specific Plan and the other nearby projects to prepare separate EIRs.

While the court rejects petitioner's piecemealing argument, the court finds that respondent performed an inadequate analysis of traffic impacts, improperly deferred mitigation measures, and failed to undertake an adequate cumulative impact analysis. With respect to the piecemealing claim, it is true that CEQA prohibits segmenting or chopping a large project into smaller ones, each with less potential impact on the environment, such that assessment of impacts is hindered or prevented. (*Bozung v. LAFCO*, *supra*, 13 Cal.3d 263) But petitioner has no authority that respondent is required to somehow "consolidate" separate development projects submitted by different proponents simply because the projects are in the same area. Instead, where there are a number of similar but separate projects, what CEQA requires is an adequate cumulative impacts analysis to determine the combined impacts of all projects. (CEQA Guidelines §15130.)

Otherwise, Temecula's objections to the traffic analysis in the EIR have substantial merit. It is undisputed that the EIR's traffic studies distributed traffic through planned, but as yet non-existent roadways, and assumed the completion of planned, but as yet non-existent upgrades of existing roads. The problem is not so much that the EIR failed to analyze the project in terms of existing conditions. As both oppositions point out, the EIR admits that the project, and other development, cannot be accommodated by the existing circulation system. The traffic studies admit that significant off-site improvements and upgrades will be necessary to meet the County's Level of Service ("LOS") standards.

The problem is none of the measures to mitigate the very significant traffic impacts actually require the construction of the necessary improvements. Instead, the EIR calls for further traffic studies for phases of the project. (AR 9361.) It calls for (but does not require) the developer to establish an area-wide fee program to implement necessary traffic improvements called for by the future studies. [AR 5716] It calls for the County to monitor and administer compliance with standards. (AR 9361-63.) It does not call for any supplemental EIRs after any traffic study or after phases of the project are constructed.

Respondent and real party argue that a similar mitigation plan was approved in Save Our Peninsula Comm. v. Monterey City Bd. Of Supervisors (2001) 87 Cal.App.4th 99. But their reliance on that case is misplaced. That case involved specifically identified and required traffic mitigation.

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This case on the other hand, involves the very sort of “trust us, we’ll conduct studies and fix the problem later” approach disapproved in cases such as Sundstrom v. County of Mendocino (1988) 202 Cal.App.3d 296 and Stanislaus Natural Heritage Project v. County of Stanislaus (1996) 48 Cal.App.4th 182. The situation here presents a case of improper deferral of analysis and deferral of mitigation.

It also appears that respondent did not adequately analyze cumulative impacts. The EIR does identify other projects planned in the area. (21 AR T165:7907-09.) But the listing omits a number of projects that will generate over 6,800 new residential units and over 17,700 new residents. The oppositions point out that there is no requirement that the EIR specifically list by name every project in the area which may be approved. (CEQA Guidelines §15130.) They argue that the EIR properly used the Comprehensive Transportation Plan (“CTP”) model maintained and administered by the Southern California Association of Governments (“SCAG”) to make traffic projections. (22 AR T165:8252-54.)

It is true that Guidelines §15130 prescribes two methods to conduct a cumulative analysis. The first is the more common “list method” advocated by petitioners where a list of past, present, and probable projects is used in the analysis. (Guidelines §15130(a)(1).) The second is the “summary of projections” method. Guidelines §15130(a)(2) allows the lead agency to use for its discussion of cumulative impacts a “summary of projections contained in an adopted general plan or related planning document, or a prior EIR which described or evaluated regional conditions contributing to the cumulative impact.” However, it does not appear that the so-called CTP method used by respondent is a “summary of projections contained in an adopted general plan or related planning document” within the meaning of §15130(a)(2).

2. General Plan Inconsistency:

Petitioner’s General Plan inconsistency argument is somewhat convoluted, but essentially, petitioner’s claim is premised on the fact that a Specific Plan cannot be adopted unless it is consistent with the General Plan. (Gov. C. §65454.) Petitioner contends that Riverside’s General Plan has an inadequate Land Use Element (“LUE”) such that it is impossible to determine the type of uses that are or are not authorized on the project site. Petitioner argues that it simply cannot be determined that the Domenigoni-Barton Specific Plan is consistent with the General Plan as required by Gov. C. §65454. As such, petitioner concludes that the Specific Plan is void. (Leshner Communications v. City of Walnut Creek, *supra*, 52 Cal.3d 531; Save El Toro Assn. v. Days, *supra*, 74 Cal.App.3d 64; Camp v. Bd. Of Supervisors (1981) 123 Cal.App.3d 334.)

Respondent argues that the General Plan appropriately designates permitted land uses and densities based on long-term goals, objectives and land use policies and standards. Respondent contends that for undesignated areas (such as the project site) the County has a Land Use Determination System (“LUDS”) to identify permitted land uses. (30 AR T254:10722-25.) More importantly, the project does not only involve the Domenigoni-Barton Specific Plan. The project also involves not one, but two General Plan Amendments to ensure that the project is consistent with the General Plan. These General Plan amendments support the finding of the project’s consistency with the General Plan. In Leshner, *supra*, 52 Cal.3d 531, the Supreme Court found that a ballot initiative was inconsistent with the General Plan and could not be construed as an amendment to the General

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Plan. However, if the initiative could have been deemed an amendment to the General Plan, the inconsistency would have been resolved and the initiative would have been acceptable.

Petitioner insists that the LUDS is nothing more than a system for ad-hoc rationalizations to enable the County to approve whatever it wants. However, there is no legal requirement that the General Plan (other than the housing element) be regularly revised or updated. (Garat v. City of Riverside (1991) 2 Cal.App.4th 259) The practice of continually amending General Plans for development projects may arguably be unsatisfactory but petitioner has cited no authority for the proposition that a General Plan cannot be amended piecemeal in connection with development approvals.

II. Petition by Endangered Habitats

Before examining the merits of EHL's arguments, the court will again begin with the affirmative defenses raised by respondent County and real party which they contend precludes the court from even considering the merits of EHL's claims.

Both respondent and real party contend that EHL's petition is not properly verified and that EHL does not have standing to bring its action. They also argue that all of EHL's claims are barred by its failure to exhaust administrative remedies.

A. Affirmative Defenses:

The affirmative defenses raised by the oppositions do not appear to have merit.

1. Verification and standing:

Respondent County contends that EHL's petition is not properly verified as required by CCP §1086 because it is verified by EHL's attorney, Raymond Johnson. A pleading can be verified by an attorney when the parties are absent from the County where the attorney has his or her office. (CCP §446.) Respondent argues that it is inconceivable that not a single member of EHL was available within the County to verify the petition. Respondent concludes that the petition should be dismissed. (Suzanne J. v. Sup. Ct. (1996) 46 Cal.App.4th 785) Respondent has also brought a motion to strike the petition on this basis.

Petitioner, however, points out that EHL is a corporation. Verifications for corporations are required from an officer, not from members. (CCP §446(a).) Petitioner insists that the officer authorized to sign the verification was out of the County at the time the petition needed to be verified. Suzanne J., *supra*, 46 Cal.App.4th 785 relied upon by respondent, is not directly on point. The petition in that case was dismissed because the attorney could not produce evidence that petitioner had actually consented to the filing of the petition on her behalf or authorized the attorney to sign and file the petition. That is not the situation we have here. The court denies respondent's motion to strike.

Respondent and real party also argue that EHL lacks standing to bring the action. Real Party reiterates its contention that petitioner must have a "geographical nexus" to challenge the project

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based on noncompliance with CEQA. (Waste Mgmt. Of Alameda County, Inc. v. County of Alameda, *supra*, 79 Cal.App.4th 1223) Real party contends that after extensive discovery, it appears that EHL's members do not have the required ties with Riverside County. However, the cases cited by real party do not support the "nexus" argument. Instead, the appropriate test is whether petitioner may be harmed by the environmental effects of the project. In addition, CEQA cases have been very liberal regarding standing. (Bozung v. LAFCO *supra*, 13 Cal.3d 263) It appears that EHL is composed of numerous individuals and groups who will be affected by the project's impacts.

2. Failure to exhaust administrative remedies:

As with Temecula's petition, the oppositions contend that EHL failed to raise the factual and legal issues during the administrative process that it is now attempting to assert in this action.

As noted above, CEQA's exhaustion requirement is not very strict. Petitioner EHL points to numerous comments in the record by EHL and others which raise the points asserted in its petition. (3 AR T26:935, T28:947, T29:950, T31:956, T40:981; 8 AR T69:2798, T72:2805, T74:2818, T75:2829, T77:2837, T78:2851.) Real party raises a specific objection to the comments submitted by the Elsinore-Murrieta-Anza Resource Conservation District ("EMARCD") (15 AR T128:6033-35; 22 T165IX:8086-89.) Real party argues that the comments were untimely and "outside the scope of EMARCD's expertise." Real party concludes, without any authority that EHL cannot rely on EMARCD's comments. However, EHL points out that EMARCD's comments were included in the Final EIR (22 T165IX:8086-89.) As pointed out above, CEQA allows any party such as EHL which participated in the process to raise objections made by any other party. The defense of failure to exhaust administrative remedies has no merit.

B. The Merits of EHL's Petition:

The court grants EHL's petition only with respect to the claim that traffic mitigation was improperly deferred (third cause of action) and the claim that an environmentally superior alternative to the project was rejected without substantial evidence (seventh cause of action). Otherwise, the petition does not have merit.

It is undisputed that the court's standard of review with respect to respondent's compliance with CEQA is to determine whether respondent has proceeded in a manner required by law, and whether respondent's determinations are supported by substantial evidence. (See Gentry v. City of Murrieta (1995) 36 Cal.App.4th 1359.)

1. Cumulative and growth inducing impacts:

Petitioner first argues that respondent failed to comply with the requirements of CEQA in that the EIR failed to adequately consider cumulative impacts and growth inducing impacts of the project. Petitioner's opening brief makes reference to a laundry list of impacts such as land use, seismic & geology, flooding, noise, biological resources, cultural resources, traffic, water and sewer. For the most part petitioner's opening brief fails to explain why respondent's analysis regarding the cumulative or growth inducing impacts of the project was improper with respect to the above mentioned impacts. For most of the impacts mentioned, the objections are based on inadequacy of

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mitigation measures.

The opening brief also has a section entitled "Growth inducing impacts," but it is difficult to figure out what point petitioner is attempting to make. Petitioner contends that an EIR must discuss growth inducing impacts not only from the project, but also from other necessary components necessitated by the project. (San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus (1994) 27 Cal.App.4th 713) Petitioner focuses on water storage facilities (21 AR T165IV: 7844), sewer facilities (21 AR T165IV: 7848), and roadway improvements.

But as noted above, the EIR does not commit to having off-site roadways built. It simply assumes they will be built. While water storage facilities will be built for the project, there is nothing which indicates they will be used by other projects or will otherwise induce growth. Finally, the reference to sewer facilities is equally perplexing because the EIR (at the portion of the record cited by petitioner) essentially states that "the Eastern Municipal Water District has indicated that existing and planned sewage treatment capacities are adequate to serve the project." It does not appear that additional sewer facilities (which may induce growth) will be necessitated by the project.

2. Failure to adopt mitigation measures:

Petitioner claims that respondent failed to adopt adequate mitigation measures. Again, petitioner's opening brief makes reference to a laundry list of impacts such as land use, seismic & geology, flooding, noise, biological resources, cultural resources, traffic, water and sewer. The only argument that has merit is the argument similar to the one made by Temecula regarding the mitigation measures for traffic.

3. Adequacy of water supply:

Petitioner points out that Water Code §10910 et seq. and CEQA Guidelines §15083.5 require that in residential developments of more than 500 units, the lead agency must notify the public water system serving the project and request that the water agency indicate whether the projected water demand associated with the project was included in its last urban water management plan and assess whether the total projected water supplies available will meet the projected water demand associated with the proposed project in addition to the system's existing and planned future use.

However, the record indicates that the Eastern Municipal Water District ("EMWD") responded to the County's queries and concluded that its current and projected levels of water supply were adequate to meet the long term needs of the project and future development in the area. (AR, 7843-44, 9256-58.) As a condition to each phase of the project, real party is required to provide a "will serve" letter from EMWD confirming the availability of water to the phase. (AR, 7849, 7616, 9956, 10053.) Accordingly, an adequate analysis of the water supply was conducted.

4. Project alternatives:

Petitioner claims that environmentally superior alternatives were rejected by respondent without substantial evidence in the record. Specifically, petitioner contends that Alternative "B"

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(Boulder Creek Plan alternative) was improperly rejected as being infeasible. (AR, 7979.)

The finding of the infeasibility of Alternative "B" does not meet the requirements of Citizens of Goleta v. Bd. Of Supervisors (1988) 197 Cal.App.3d 1167. The fact that an alternative may be more expensive or less profitable is not sufficient to show the alternative is financially infeasible. What is required is evidence that the additional costs are sufficiently severe as to render the alternative impractical. The record contains no data or analysis of the costs or the economic benefits of the Boulder Creek Plan alternative.

For the foregoing reasons, both the petitions are granted. It is ordered that peremptory writs of mandate issue directing that respondent set aside its approval of the project and the certification of the EIR, and that respondent prepare a supplemental or subsequent EIR which adequately reviews and addresses the project's traffic impacts/mitigation and the project's cumulative impacts, and which properly reconsiders Alternative "B".

Petitioners are hereby directed to submit and serve proposed judgments and proposed peremptory writs of mandate. Unless good cause is shown, the judgments shall contain the following language:

The court shall retain jurisdiction over the proceedings pursuant to Pub. Res. C. § 21168.9(b). Nevertheless, the court intends this to be a final, appealable judgment. Costs and attorney fees, if any, may be claimed pursuant to CRC 870, 870.2. Under Pub. Res. C. §21168.9(c), the Court does not direct respondent to exercise its lawful discretion in any particular way. Nothing in the judgment or peremptory writ should be construed as requiring respondent or real party to go forward with the project, or to re-approve the project, or to take any particular action other than as specifically set forth herein.

Respondent shall file a return to the peremptory writ no later than 90 days after the date of the issuance of the peremptory writ which shall state that an appeal from the judgment has or will be filed or that it has complied with the order to set aside its approval of the project.

Addendum

Ruling on Issues Raised at the May 5, 2003 Hearing

The request by Real Party in Interest for judicial notice of the legislative history by Public Resources Code §21168.9 is denied. The request to stay the project and sever the issues is denied.

Petitioners contend that Guidelines §§ 15162 and 15163 prevent the court from ordering a supplemental or subsequent EIR. The Guidelines are restriction on the activities of the lead agency, not the court.

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Public Resources Code § 21168.9 provides as follows:

“(a) If a court finds, as a result of a trial, hearing, or remand from an appellate court, that any determination, finding, or decision of a public agency has been made without compliance with this division, the court shall enter an order that includes one or more of the following:

[¶] . . . [¶]

(3) A mandate that the public agency take specific action as may be necessary to bring the determination, finding, or decision into compliance with this division.”

“Subdivision (a)(3), which has been understood to allow courts considerable flexibility in fashioning relief, was not amended in 1993.” (Guide to CEQA (1999) 10.Ed, p. 648)

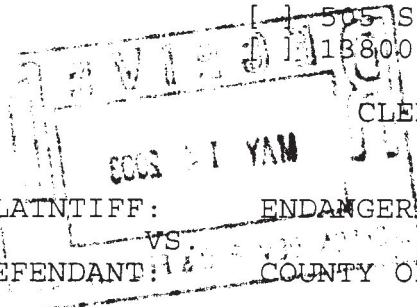
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

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CLERKS CERTIFICATE OF MAILING

PLAINTIFF: ENDANGERED HABITATS LEAGUE INC.
VS.
DEFENDANT: COUNTY OF RIVERSIDE

Case No. 369801

TO: JACKSON, DEMARCO & PECKENPAUGH
2030 MAIN ST
12TH FLOOR
IRVINE CA 92614

I, clerk of the above entitled court, do hereby certify I am not a party to the within action or proceeding; that on the date below indicated, I served a copy of the attached STATEMENT OF DECISION[by depositing said copy enclosed in a sealed envelope with postage thereon fully prepaid in the mail at Riverside, California addressed as above.

CLERK OF THE COURT

Dated: 05/12/03

By: R.E.
ROSE ESPARZA