



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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Winchester, CA 92596
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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

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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.

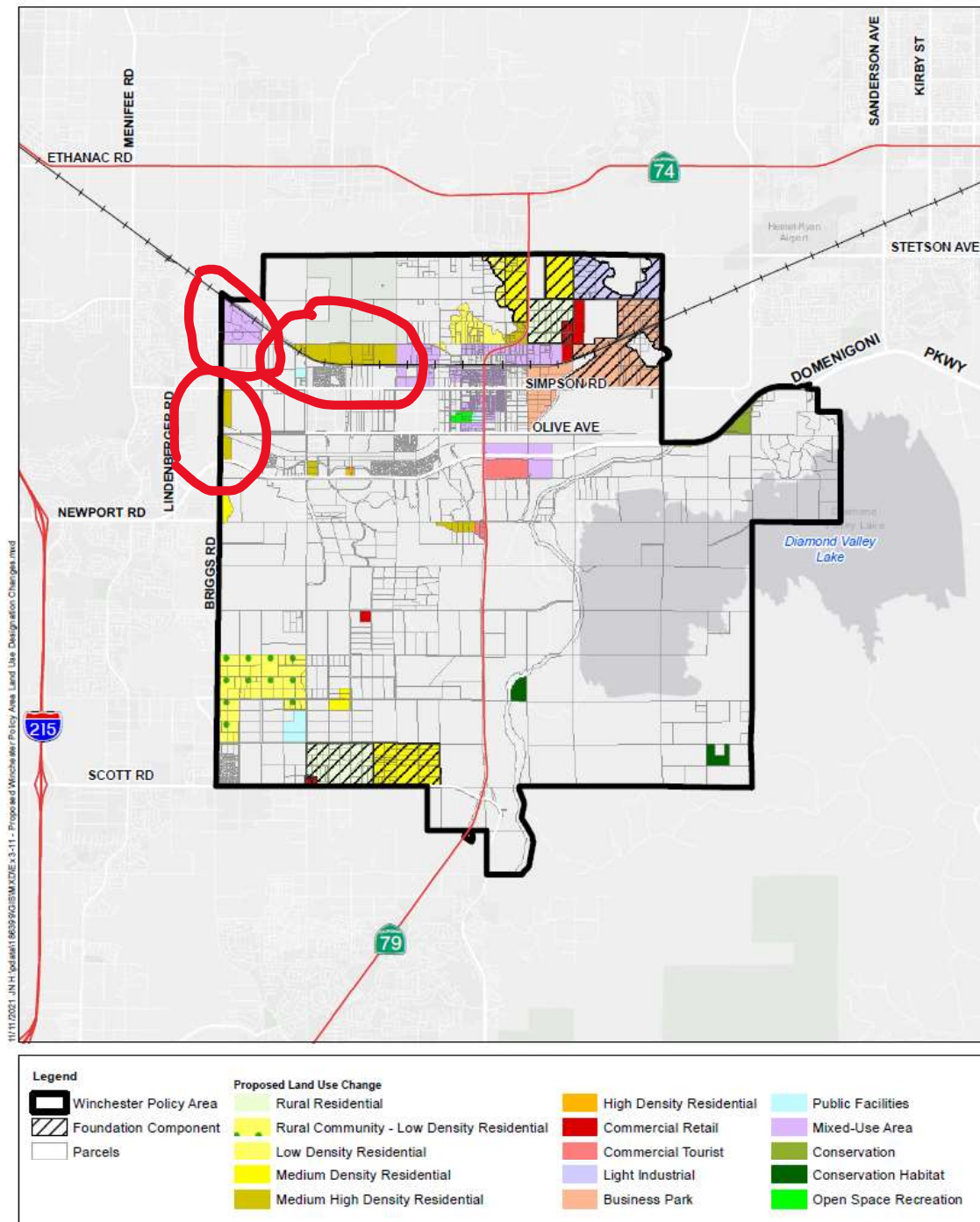


Exhibit 3-11

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 commentor 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 commentor 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 commentor 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 commentor 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

22-7

Project Objectives

- 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:

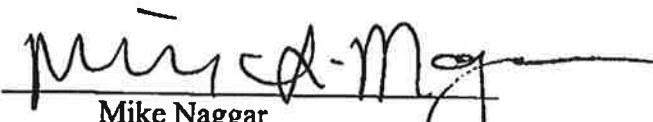
Exhibit A	I-215 Policy Area
Exhibit B	Major Arterial Roads
Exhibit C	Priority Phasing Program
Exhibit D	Western Riverside County Area
Exhibit E	Assumptions of Build-Out of I-215 Policy Area

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.

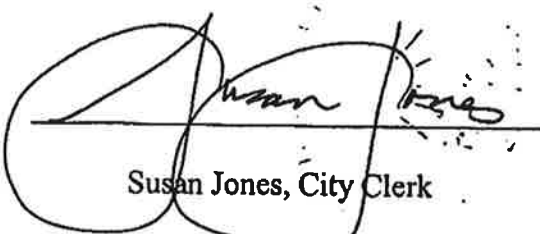
6.11 The effective date of this Agreement is the date the parties sign the Agreement. If the parties sign the Agreement on more than one date, then the last date the Agreement is signed by a party shall be the effective date.


IN WITNESS WHEREOF, the undersigned have executed this Agreement in the State of California.

CITY OF TEMECULA

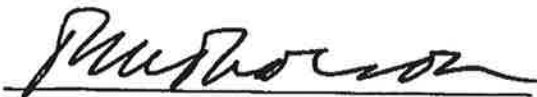

Mike Naggar
Mayor Pro Tempore

Attest:

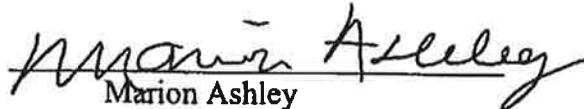

Susan Jones, City Clerk





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 "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.

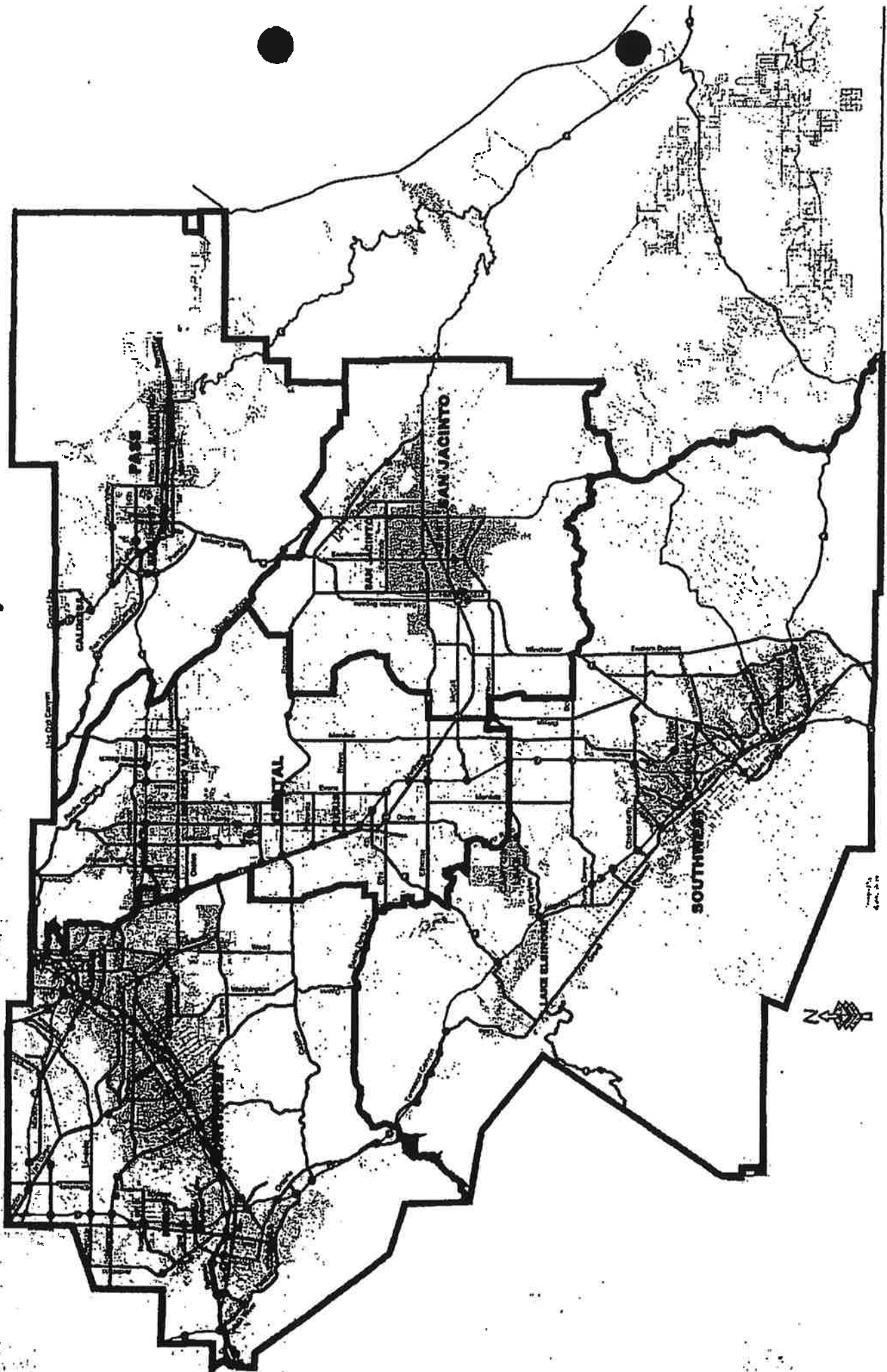
Exhibit "C"

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



Scale: 0 1 2 4 6 8 Miles
North Arrow
Copyright © 1998

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.

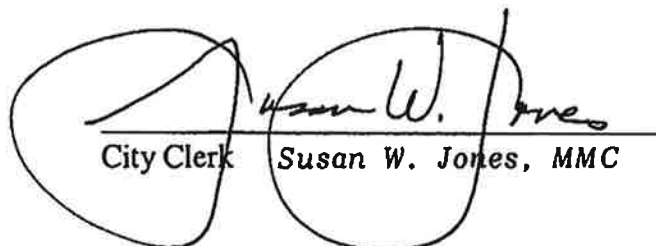
IN WITNESS WHEREOF, the undersigned have executed this Agreement in the State of California.

CITY OF TEMECULA



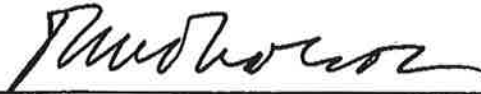
Mayor Ron Roberts

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

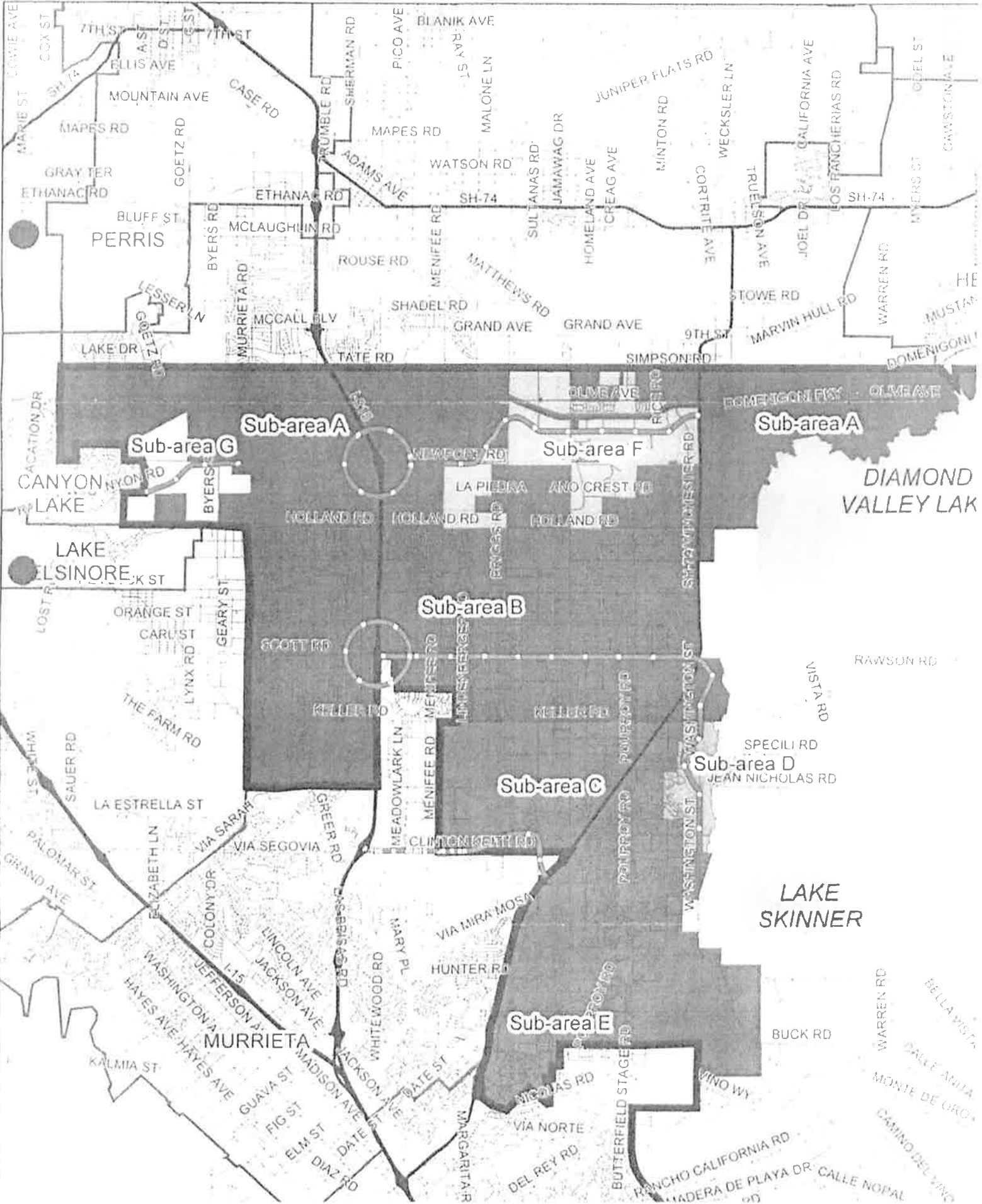


Exhibit C:

**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.


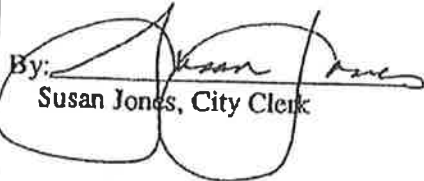



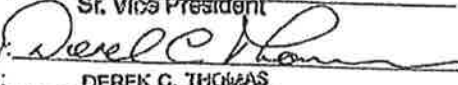
<p>"CITY" City of Temecula</p> <p>By: <u></u> Jeff Stone, Mayor</p> <p>ATTEST:</p> <p>By: <u></u> Susan Jones, City Clerk</p> <p>APPROVED AS TO FORM:</p> <p>By: <u></u> Peter Thorson, City Attorney</p>	<p>"COUNTY" County of Riverside</p> <p>By: _____</p> <p>ATTEST:</p> <p>By: _____</p> <p>APPROVED AS 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>	

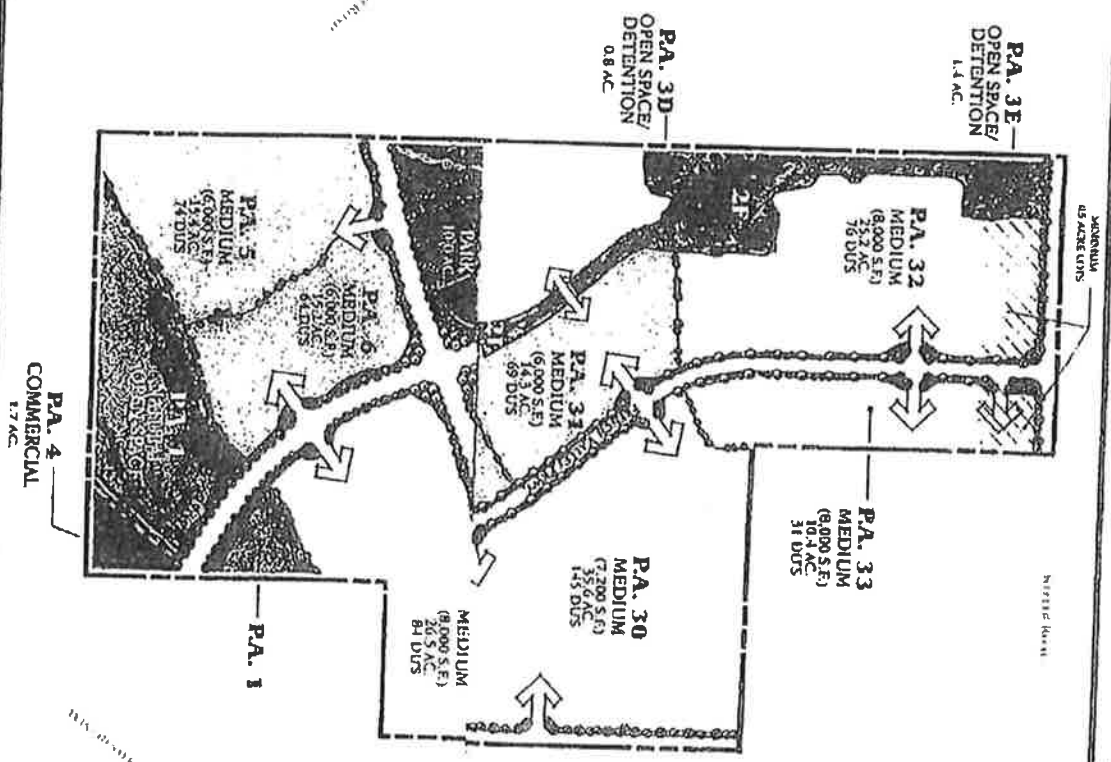


EXHIBIT A
DEPICTION OF FRENCH VALLEY

LAND USE SUMMARY

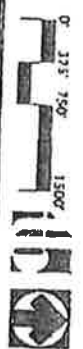
LAND USE	ACRES	DENSITY	DUS
Medium Residential - 6,000 s.f.	744	1.0	28
Medium Residential - 7,200 s.f.	2184	1.0	87
Medium Residential - 6,000 s.f.	1564	1.5	68
Residential Medium	443.4	1.0	1,793
Path	14.0	-	-
Open Space/Defention	11.2	-	-
Elementary School	20.0	-	-
Open Space/Expanded Pathways	64.1	-	-
Commercial	1.7	-	-
Major Road	11.3	-	-

FIGURE III.A-1
SPECIFIC PLAN
LAND USE PLAN



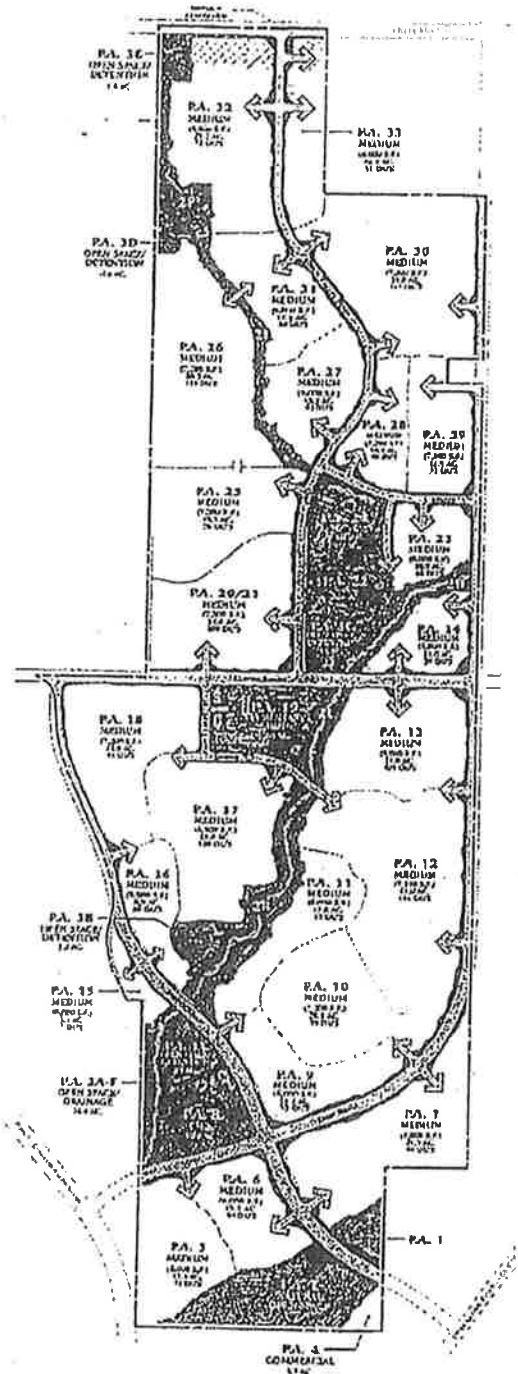
French Valley

TUCALOTA HILLS ASSOCIATES LLC
 19800 MACARTHUR BLVD, SUITE 700
 IRVINE, CA 92612



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 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 4.16, *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 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 recreation section is inadequate under CEQA.

22-25 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 4.17, *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 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 transportation section is inadequate under CEQA.

However, the commentor does raise concerns about the regulatory setting and the impact analysis for TRA-1 through TRA-3. Specifically, the commentor 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 commentor 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 commentor 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, 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.

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



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/Meniffee 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

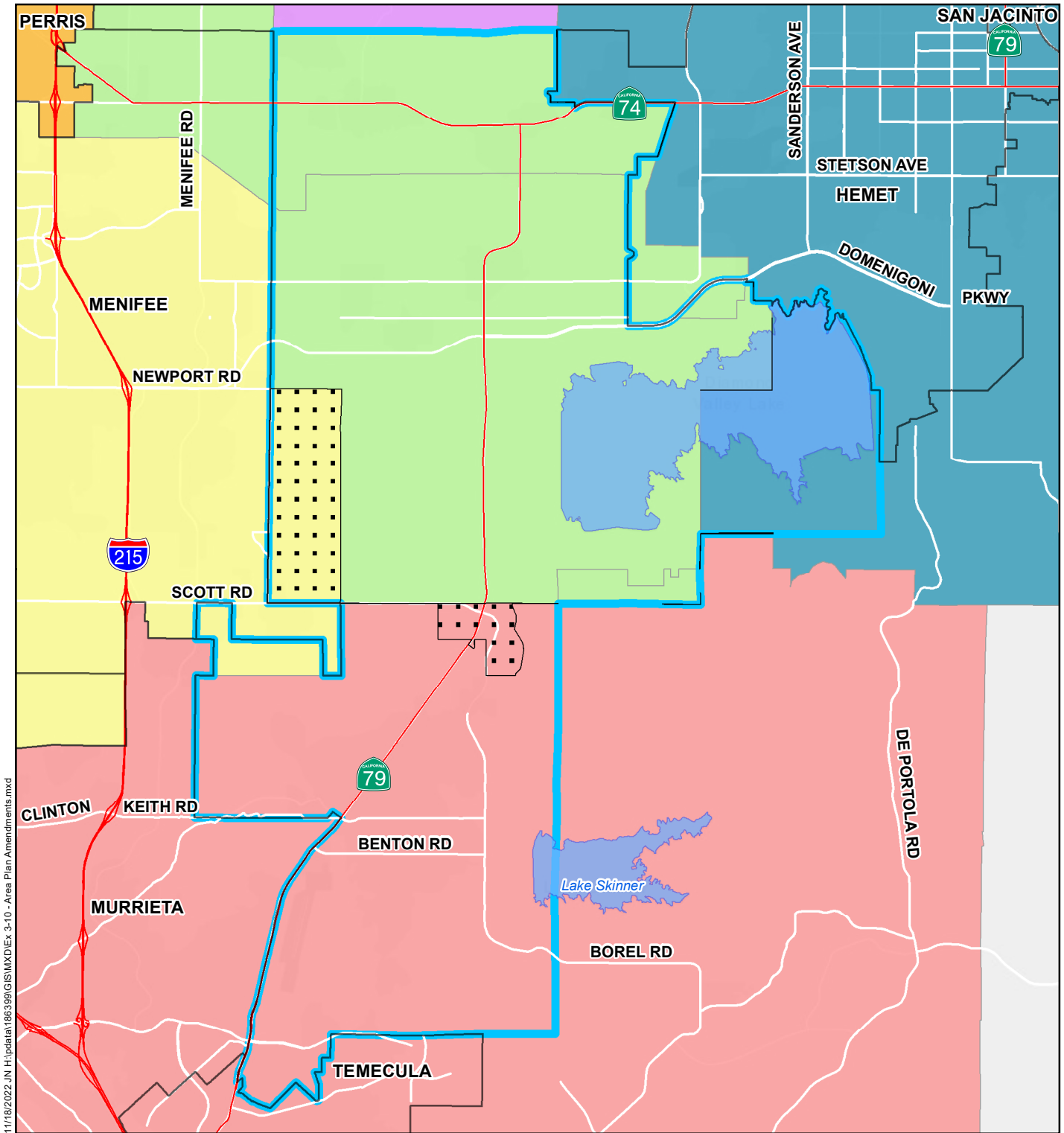
- The expansion of the existing Winchester Policy Area from the approximately 287 acres to approximately 23,143 ~~23,153~~ acres of land within the General Plan’s Harvest Valley/Winchester Area Plan.
- Boundaries of the General Plan’s Harvest Valley/Winchester, Sun City/Menifee and Southwest Area Plans 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.



Legend			
	Highway 79 Policy Area		Area Plan Boundaries
	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

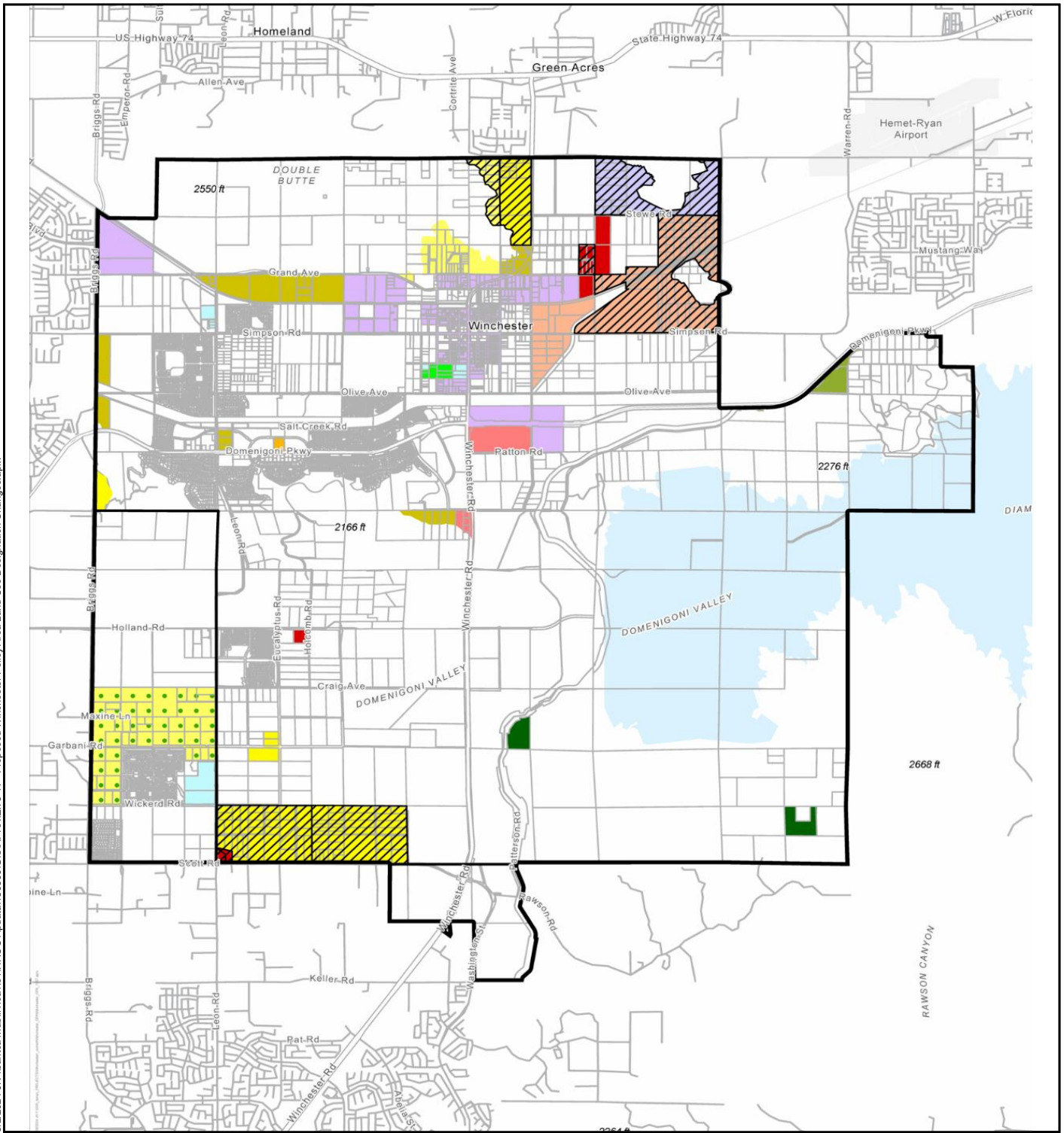
WINCHESTER COMMUNITY PLAN
 ENVIRONMENTAL IMPACT REPORT
Area Plan Amendments



Page 3-23, Exhibit 3-11, Proposed Winchester Policy Area Land Use Designation Changes

See next page.

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



NOT TO SCALE

Source: County of Riverside, ESRI

WINCHESTER COMMUNITY PLAN
 ENVIRONMENTAL IMPACT REPORT
 Proposed Winchester Policy Area
 Land Use Designation Changes



SECTION 4.8, GREENHOUSE GAS EMISSIONS

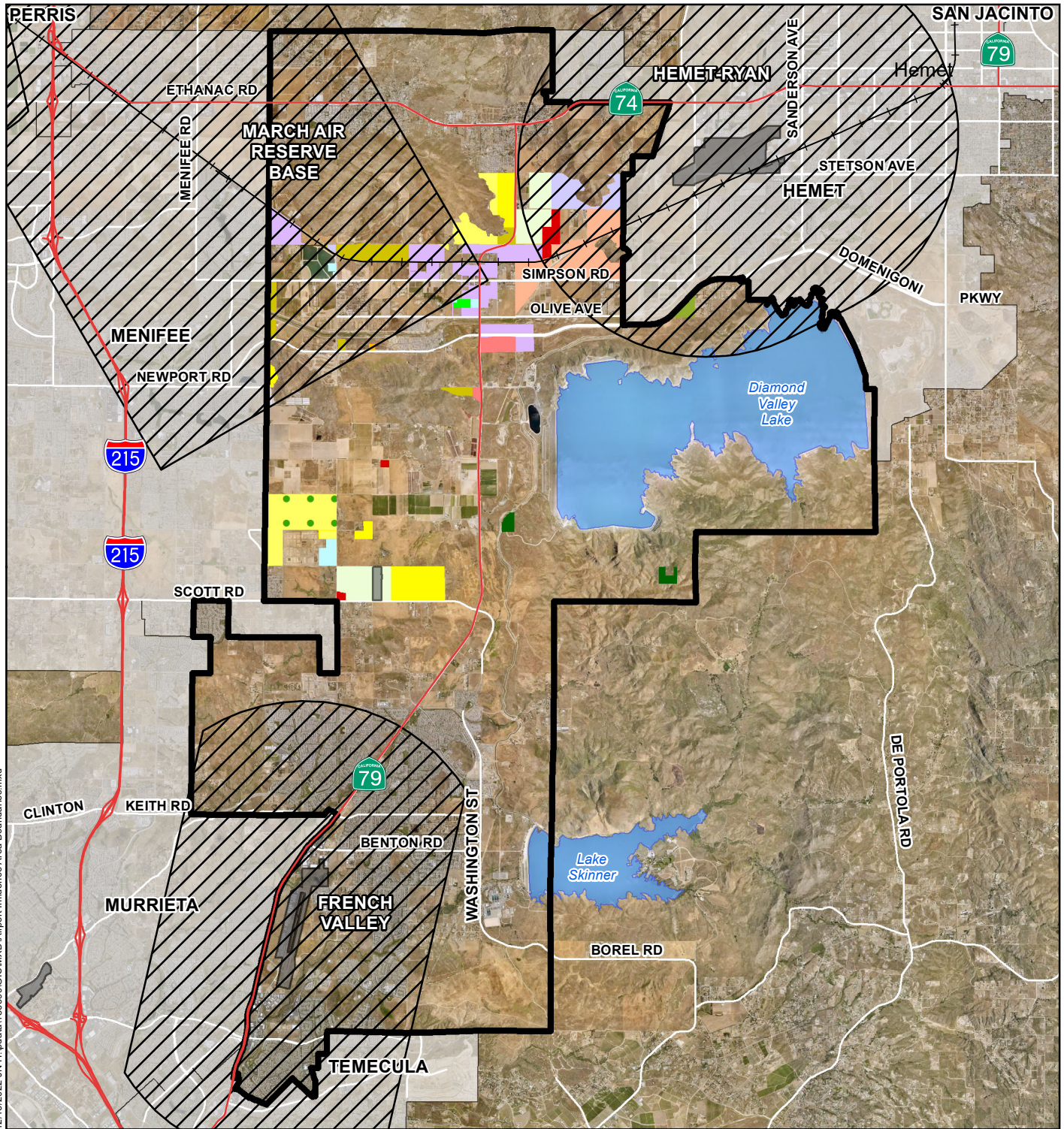
Page 4.8-29, Mitigation Measures

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.

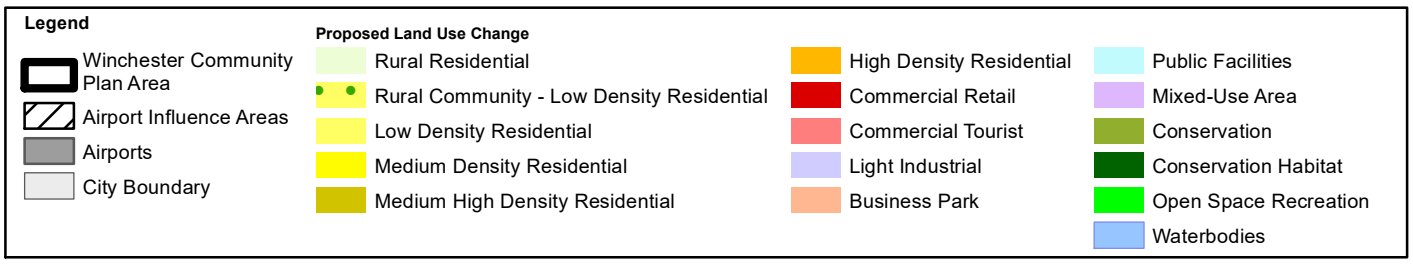
SECTION 4.9, HAZARDS AND HAZARDOUS MATERIALS

Page 4.9-31, Exhibit 4.9-1, Airport Influence Area Boundaries

See next page.



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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 4.17-16

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.

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/Meniffee 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

PUBLIC REVIEW DRAFT PROGRAM

ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE NO.: 2019049114

JULY 2022

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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1.1 INTRODUCTION

The Environmental Impact Report (EIR) process, as defined by the California Environmental Quality Act (CEQA), requires the preparation of an objective, full-disclosure document in order to (1) inform agency decision-makers and the general public of the direct and indirect potentially significant environmental effects of a proposed action; (2) identify feasible or potentially feasible mitigation measures to reduce or eliminate potentially significant adverse impacts; and (3) identify and evaluate reasonable alternatives to the proposed project. In accordance with State CEQA Guidelines § 15168 (of the *California Code of Regulations [CCR]* Title 14), this is a Program EIR that addresses the potential environmental impacts associated with the implementation of the proposed Winchester Community Plan Project (project).

1.2 PROJECT LOCATION

The project is located within the southwestern portion of the County of Riverside (County); refer to [Exhibit 3-1, *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 3-2, *Local Vicinity*](#).

The project area is almost entirely within the General Plan's Highway 79 Policy Area (49,275 acres) boundary. The limits of the Highway 79 Policy Area are depicted on [Exhibit 3-5, *Highway 79 Policy Area*](#).

1.3 PROJECT SUMMARY

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 23,153 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 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



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- 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 EIR¹.
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. 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.

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. 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 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 Designation and Zoning. Future consistency zoning has been analyzed in sufficient detail in this Program EIR and the project is considered a community plan per State CEQA Guidelines Section 15183. Refer to [Section 3.3, *Project Characteristics*](#), for a detailed description of the proposed project.

¹ Future consistency zoning has been analyzed in sufficient detail in this Program EIR. The project is considered a community plan per State CEQA Guidelines Section 15183.



1.4 PROJECT OBJECTIVES

The project objectives are as follows:

- Provide greater housing variety and density, more affordable housing, life-cycle housing (e.g., starter homes for larger families to senior housing), workforce housing, veterans housing, etc.;
- Reduce distances between housing, workplaces, commercial uses, and other amenities and destinations;
- Provide 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 and land use synergy (e.g., residents provide patrons for commercial uses, which provide amenities for residents);
- Encourage stronger neighborhood character, sense of place and enhance the overall quality of development for the community;
- Create a sustainable multi-modal transportation network that includes 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-uses without requiring general plan amendments, to help revitalize the area, encourage new balanced economic development, and provide for new local infrastructure improvements;
- Encourage commercial development near intersections and clustered, as opposed to strip or piecemeal development spread along the Grand Avenue corridor;
- Promote higher density housing to achieve the 6th Cycle Regional Housing Needs Assessment housing goals;
- Fulfill a portion of the County's 6th Cycle Regional Housing Needs Assessment housing goals by increasing the residential development potential in the project area by 12,329 dwelling units through redesignating land uses and removing the Highway 79 Policy Area's requirement for a 9% reduction for residential development;
- Promote better job/housing balance; and,
- Promote more intense commercial/industrial areas to support the increased residential densities.

1.5 PROJECT ALTERNATIVES

CEQA states that an EIR must address “a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the



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comparative merits of the alternatives.” [14 Cal. Code of Reg. 15126.6(a)]. As discussed in Section 7.0, Alternatives to the Proposed Project of this Program EIR, four (4) alternatives were evaluated.

- Alternative A: No Project Alternative/Existing Land Use Alternative;
- Alternative B: No Highway-79 Policy Area Alternative;
- Alternative C: No Highway-79 Policy Area Alternative Outside Winchester Policy Area;
- Alternative D: No Foundation Component Change Alternative.

Alternative A: No Project/Existing Land Use Alternative

As required by State CEQA Guidelines Section 15126.6 (e), the No Project/Existing Land Use Alternative is the circumstance under which the project does not proceed, but the vacant land within the project area is developed, based on the current General Plan and Zoning Code standards and consistent with available infrastructure and community services.

Alternative A would not change the existing policy documents that govern the project area. Under Alternative A, new HVWAP Winchester PA and new Winchester PA Design Guidelines would not be prepared. No Foundation Component or land use designation changes would occur within the proposed Winchester PA and no Area Plan boundary modifications to the Harvest Valley/Winchester, Sun City/Menifee, and Southwest Area Plans would occur. Concerning the Highway 79 PA, the existing policy area language would remain as is in the Circulation Element as well as the necessary Area Plans. Overall, the County’s existing General Plan would remain the guiding document and development would occur according to existing General Plan designations. Alternative A assumes the project area’s land use, population, and employment growth projections at buildout in 2040, consistent with the existing General Plan as such:

- 168,551 residents;
- 59,141 dwelling units; and
- 34,168,402 square feet of non-residential uses.

Alternative B: No Highway-79 Policy Area Alternative

The project proposes to remove the existing nine percent residential density restriction within the project area. Alternative B would maintain the existing nine percent density restriction within the project area, including the Winchester PA. Under Alternative B, all other project components would occur consistent with the proposed project as analyzed throughout this Program EIR. Under Alternative B, development potential for the project area would be as follows when compared to the project:

- 17,363 fewer residents;
- 6,092 fewer dwelling units; and



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- 26,638,737 square feet of non-residential uses (same as project).

Alternative C: No Highway-79 Policy Area Alternative Outside Winchester Policy Area

Alternative C would maintain the existing nine percent density restriction within the Highway-79 PA for those portions of the project outside of the Winchester PA boundary. All other project components would occur consistent with the proposed project as analyzed throughout this Program EIR. Under Alternative B, development potential for the project area would be as follows when compared to the project:

- 196,339 fewer residents;
- 2,579 fewer dwelling units; and
- 26,638,737 square feet of non-residential uses (same as project).

Alternative D: No Foundation Component Change Alternative

Alternative D would exclude the Foundation Component amendments and associated General Plan land use designation changes proposed under the project. All other project components would be consistent with the project as analyzed in this Program EIR. Under Alternative D, development potential for the project area would be as follows when compared to the project:

- 18,468 fewer residents;
- 6,480 fewer dwelling units; and
- 7,529,665 additional square feet of non-residential uses.

“Environmentally Superior” Alternative

An EIR must identify the environmentally superior alternative to the project. Based on the evaluation contained in this Program EIR, Alternative A: No Project Alternative, would be the environmentally superior alternative. Although Alternative A would not achieve most of the project’s objectives as shown in Table 7-6, Alternatives Ability to Meet Project Objectives, 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. Therefore, Alternative A is the environmentally superior alternative.

According to State CEQA Guidelines Section 15126.6(e), “if the environmentally superior alternative is the ‘no project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” Accordingly, Alternative B: No Highway-79 Policy Area Alternative and Alternative C: No Highway-79 Policy Area Alternative Outside Winchester Policy Area, are identified as the environmentally superior alternatives. Both Alternatives would similarly reduce the project’s impacts related to aesthetics/light and glare, agriculture and forestry



resources, air quality, energy, geology and soils, GHG emissions, noise, population and housing, public services, recreation, transportation, utilities and services systems, and wildfire. Alternatives B and C would meet all the project objectives, except to a lesser degree, given that less housing variety and less density would occur.

1.6 SIGNIFICANT AND UNAVOIDABLE IMPACTS

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. Potential environmental effects resulting from project implementation and proposed mitigation measures are discussed in detail in [Sections 4.1](#) through [4.20](#) of this Program EIR. The following environmental impacts were determined to be significant and unavoidable impacts.

- Agricultural Resources: Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- Agricultural Resources: Conflicting with existing zoning for agricultural use or a Williamson Contract.
- Air Quality: Conflict with or obstruct implementation of the applicable air quality plan.
- Air Quality: Result in a cumulatively 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.
- Air Quality: Expose sensitive receptors, which are located within one (1) mile of the project site, to substantial pollutant concentrations.
- Greenhouse Gases: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- Greenhouse Gases: Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.
- Land Use and Planning: Cause a 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.
- Noise: Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- Transportation: Conflict or be inconsistent with State CEQA Guidelines section 15064.3, subdivision (b).



1.7 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Table ES-1, *Summary of Project Impacts and Mitigation Measures* provides a summary of the potential environmental effects of the project, the Mitigation Program recommended to ensure that project impacts are mitigated to the extent feasible, and the expected status of effects following the implementation of the Mitigation Program. The Mitigation Program will serve to prevent, reduce, and/or fully mitigate potential environmental impacts. The more detailed evaluation of these issues, as well as the full text of the Mitigation Program, is presented in EIR Sections 4.1 through 4.20.

Where a measure applies to more than one topic, it is presented (either summarized or full text) in the primary section to which it applies and is then cross-referenced. The mitigation measures identify who is responsible, when the action would be implemented, and who would be the approving authority. The Mitigation Monitoring and Reporting Program would be developed using the full text of the Mitigation Program.

Table ES-1, *Summary of Project Impacts and Mitigation Measures*

EIR Section	Impacts	Mitigation Measures	Level of Significance After Mitigation
4.1 Aesthetics			
AES-1	Scenic Views and Vistas <i>Project implementation would not have a substantial adverse impact on a scenic view or vista.</i>	No mitigation measures are required.	Less Than Significant Impact.
AES-2	State Scenic Highways <i>Project implementation would not have a substantial adverse effect on visual resource within a state scenic highway.</i>	No mitigation measures are required.	No Impact.
AES-3	Visual Character/Quality <i>Project construction activities would temporarily degrade the visual character/quality of the site and its surroundings.</i>	AES-1 Construction equipment staging areas shall be screened (i.e., temporary fencing with opaque material) to buffer views of construction equipment and material, when feasible. Staging locations shall be approved by the County of Riverside Planning Department and indicated on Final Grading and Building Plans.	Less Than Significant Impact With Mitigation Incorporated
AES-4	Lighting <i>Project implementation would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.</i>	No mitigation measures are required.	Less Than Significant Impact



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EIR Section	Impacts	Mitigation Measures	Level of Significance After Mitigation
4.2 Agriculture and Forestry Resources			
AG-1	Conversion of Important Farmland <i>Project implementation could convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural use.</i>	No mitigation measures are required.	Significant and Unavoidable Impact.
AG-2	Williamson Contract <i>Project Implementation could conflict with existing zoning for agricultural use or a Williamson Contract.</i>	No mitigation measures are required.	Significant and Unavoidable Impact.
AG-3	Forestland/Timberland <i>Project implementation could conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned timberland production.</i>	No mitigation measures are required.	No Impact.
AG-4	Loss of Forestland <i>Project implementation could result in the loss of forest land or conversion of forest land to non-forest land.</i>	No mitigation measures are required.	No Impact.
AG-5	Conversion of Farmland or Forestland <i>Project implementation could involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use.</i>	No mitigation measures are required.	Less Than Significant Impact.
4.3 Air Quality			
AQ-1	Short-Term (Construction) Air Emissions <i>Project implementation would conflict or obstruct implementation of the applicable air quality plan.</i>	No mitigation measures are required.	Significant and Unavoidable Impact.
AQ-2	Long-Term (Operational) Air Emissions <i>Project implementation would result in a cumulatively 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.</i>	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	Significant and Unavoidable Impact.



EIR Section	Impacts	Mitigation Measures	Level of Significance After Mitigation
		<p>the project area to implement the following applicable Rule 403 measures (or the latest applicable measures if amended by SCAQMD):</p> <ul style="list-style-type: none"> • 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. <p>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):</p> <ul style="list-style-type: none"> • 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). <p>AQ-4 The County of Riverside shall require applicants of future developments within the project area to implement the following mitigation measures for</p>	



EIR Section	Impacts	Mitigation Measures	Level of Significance After Mitigation
		<p>construction equipment and vehicles exhaust emissions:</p> <ul style="list-style-type: none"> • 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. <ul style="list-style-type: none"> a. During clearing, grading, earthmoving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems shall be used to prevent dust 	



EIR Section	Impacts	Mitigation Measures	Level of Significance After Mitigation
		<p>from leaving the site and to create a crust after each day's activities cease.</p> <p>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.</p> <p>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.</p> <p>d. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.</p> <p>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.</p> <p>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 stock piles at least three times per day or applies soil stabilizers as necessary to prevent visible dust plumes from these areas. Stock piles not in use may be covered with a tarp to eliminate the need for watering or other stabilizers.</p> <p>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.</p> <p>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</p>	



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		<p>can be electrically operated shall use the electric utility rather than portable generators.</p>	
AQ-3	<p>Localized Emissions <i>Project implementation would expose sensitive receptors to substantial pollutant concentrations.</i></p>	<p>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).</p> <p>SCAQMD Jurisdiction (or the latest applicable standard if amended by SCAQMD):</p> <ul style="list-style-type: none"> 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 	Significant and Unavoidable Impact.



EIR Section	Impacts	Mitigation Measures	Level of Significance After Mitigation
		<p>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.</p> <p>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.</p> <p>g) Proposed sensitive land uses shall be sited at least 500 feet from existing dry cleaners and film processing services that use perchloroethylene.</p> <p>h) Proposed sensitive land uses shall be sited at least 500 feet from existing auto body repair services.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
AQ-4	<p>Odor Impacts <i>Project implementation could result in other emissions (such as those leading to odors) adversely affecting a substantial number of people</i></p>	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 odor source). As	Less Than Significant Impact With Mitigation Incorporated.



EIR Section	Impacts	Mitigation Measures	Level of Significance After Mitigation
		indicated by the Right-to-Farm ordinance, agricultural uses that have been operated for more than three years cannot be reclassified as a public or private nuisance by new development.	
4.4 Biological Resources			
BIO-1	<p>Special-status Plant and Wildlife Species <i>Project implementation could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife Services.</i></p>	<p>BIO-1 Projects subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects), and with the potential to reduce or eliminate habitat for native plant and wildlife species or sensitive habitats, as determined by the County of Riverside, shall provide a Biological Resources Assessment prepared by a County-approved qualified biologist for review and approval by the Planning Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife and/or United States Fish and Wildlife Services survey protocols for target species, unless the project is located within the Western Riverside County Multiple Species Habitat Conservation Plan, in which the surveys will follow applicable Riverside Conservation Authority procedures. If no sensitive species are observed during the field survey and the regulatory agencies agree with those findings, then no further mitigation will be required. If sensitive species or habitats are documented on the project site, the project applicant shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process.</p>	Less Than Significant Impact With Mitigation Incorporated.
BIO-2	<p>Sensitive Natural Communities <i>Project implementation could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife Service.</i></p>	Refer to Mitigation Measure BIO-1.	Less Than Significant Impact With Mitigation Incorporated.
BIO-3	<p>Wetlands <i>Project implementation could have a substantial adverse effect on state or</i></p>	Refer to Mitigation Measure BIO-1.	Less Than Significant Impact With



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	<p><i>federally protected wetlands (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.</i></p>		Mitigation Incorporated.
BIO-4	<p>Wildlife Corridors <i>Project implementation could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.</i></p>	<p>BIO-2 Proposed project activities shall avoid the bird breeding season (typically January through July for raptors and February through August for other avian species), if feasible. If breeding season avoidance is not feasible, a qualified biologist shall conduct a pre-construction nesting bird survey for avian species to determine the presence/absence, location, and status of any active nests on or adjacent to the area proposed project site. If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a 300-foot buffer around the active nest; for raptor species, this buffer shall be 500 feet. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code, nesting bird surveys shall be performed twice per week during the three weeks prior to the scheduled project activities.</p> <p>In the event that active nests are discovered, a suitable buffer (distance to be determined by the biologist or overriding agencies) shall be established around such active nests, and no construction within the buffer allowed, until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).</p> <p>Nesting bird surveys are typically not required for construction activities occurring September through December; however, hummingbirds (Family Trochilidae), for example, are known to nest year-round; therefore, a pre-construction nesting bird survey for activities outside of the breeding season shall be conducted within 24 hours of construction to ensure full compliance with the regulations.</p> <p>BIO-3 Should a wildlife nursery site or native resident or migratory wildlife corridor be uncovered through a biological resources assessment (BRA), then a</p>	Less Than Significant Impact With Mitigation Incorporated.



EIR Section	Impacts	Mitigation Measures	Level of Significance After Mitigation
		<p>consultation with a Riverside County Ecological Resources Specialist (ERS) shall occur. The ERS shall make a determination if the site is essential for the long-term viability of the species. If such a determination is made, then the ERS shall work with the project applicant to avoid the effects of development on the resource in question and condition the land use case accordingly. Should significant impacts to a nursery site or corridor not be avoidable, the applicant shall be required to ensure the preservation of comparable nursery or corridor habitat off-site.</p> <p>BIO-4 In the event a Biological Resources Assessment (BRA) determines a project site has the potential to support burrowing owl, a focused burrowing owl survey shall be conducted no more than 30 days prior to ground disturbance within the project site and a 500-foot survey area surrounding the project site, pursuant to the requirements of the 2012 CDFG Staff Report on Burrowing Owl Mitigation. The focused burrowing owl survey shall occur prior to the issuance of the first grading or building permits. After completion of appropriate surveys, a final report shall be submitted to the Riverside County Planning Department and the California Department of Fish and Wildlife (CDFW) within 14 days following completion. The report shall detail survey methods, transect width, duration, conditions, results of the survey, and any actions required to avoid impacts to burrowing owl.</p>	
BIO-5	<p>Tree Preservation <i>Project implementation could conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</i></p>	Refer to Mitigation Measure BIO-1.	Less Than Significant Impact With Mitigation Incorporated.
BIO-6	<p>Habitat Conservation Plans <i>Project implementation could conflict with an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan.</i></p>	Refer to Mitigation Measure BIO-1.	Less Than Significant Impact With Mitigation Incorporated.



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EIR Section	Impacts	Mitigation Measures	Level of Significance After Mitigation
4.5 Cultural Resources			
CUL-1	<p>Historical Resources <i>Project implementation could cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5</i></p>	No mitigation measures are required.	Less Than Significant Impact.
CUL-2	<p>Archaeological Resources <i>Project implementation could cause a substantial adverse change in the significance of an archaeological resource §15064.5</i></p>	<p>CUL-1 If during ground disturbance activities, unanticipated cultural resources* are discovered, the following procedures shall be followed: All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted and the applicant shall call the County Archaeologist immediately upon discovery of the cultural resource. A meeting shall be convened between the developer, the project archaeologist**, the Native American tribal representative, and the County Archaeologist to discuss the significance of the find. At the meeting with the aforementioned parties, a decision is to be made, with the concurrence of the County Archaeologist, as to the appropriate treatment (documentation, recovery, avoidance, etc.) for the cultural resource. Resource evaluations shall be limited to nondestructive analysis.</p> <p>Further ground disturbance shall not resume within the area of the discovery until the appropriate treatment has been accomplished.</p> <p>* A cultural resource site is defined, for this condition, as being a feature and/or three or more artifacts in close association with each other. Tribal Cultural Resources are also considered cultural resources.</p> <p>** If not already employed by the project developer, a County approved archaeologist and a Native American Monitor from the consulting tribe(s) shall be employed by the project developer to assess the significance of the cultural resource, attend the meeting described above, and continue monitoring of all future site grading activities as necessary.</p> <p>CUL-2 If human remains are found on this site, the developer/permit holder or any successor in interest shall comply with</p>	Less Than Significant Impact With Mitigation Incorporated.



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EIR Section	Impacts	Mitigation Measures	Level of Significance After Mitigation
		<p>State Health and Safety Code Section 7050.5.</p> <p>Pursuant to State Health and Safety Code Section 7050.5, if human remains are encountered, no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resources Code Section 5097.98 (b), remains shall be left in place and free from disturbance until a final decision as to the treatment and their disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted by the Coroner within the period specified by law (24 hours). Subsequently, the Native American Heritage Commission shall identify the "Most Likely Descendant". The Most Likely Descendant shall then make recommendations and engage in consultation with the property owner concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.</p>	
CUL-3	<p>Human Remains <i>Project implementation could disturb human remains, including those interred outside of formal cemeteries.</i></p>	Refer to Mitigation Measure CUL-2.	Less Than Significant Impact With Mitigation Incorporated.
4.6 Energy			
EN-1	<p>Energy Consumption <i>Project implementation could result in wasteful, inefficient, or unnecessary consumption of energy resources.</i></p>	No mitigation measures are required.	Less Than Significant Impact.
EN-2	<p>Conflict with Applicable Energy Plan <i>Project implementation could conflict with or obstruct a State or local plan for renewable energy or energy efficiency.</i></p>	No mitigation measures are required.	Less Than Significant Impact.
4.7 Geology and Soils			
GEO-1	<p>Rupture of a Known Earthquake Fault <i>Project implementation could cause substantial adverse effect involving rupture of a known earthquake fault; strong seismic ground shaking; seismic-related ground failure, including liquefactions; or landslides.</i></p>	No mitigation measures are required.	Less Than Significant Impact.



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EIR Section	Impacts	Mitigation Measures	Level of Significance After Mitigation
GEO-2	Soil Erosion <i>Project implementation could result in soil erosion or the loss of topsoil.</i>	No mitigation measures are required.	Less Than Significant Impact.
GEO-3	Unstable Soils <i>Project implementation located in an unstable or potentially unstable geologic unit or soil.</i>	No mitigation measures are required.	Less Than Significant Impact.
GEO-4	Expansive Soil <i>Project implementation would be located on expansive soil as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.</i>	No mitigation measures are required.	Less Than Significant Impact.
GEO-5	Disposal Systems <i>Project implementation would have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.</i>	No mitigation measures are required.	Less Than Significant Impact.
GEO-6	Paleontological Resources or Geologic Features <i>Project implementation could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.</i>	No mitigation measures are required.	Less Than Significant Impact.
4.8 Greenhouse Gas Emissions			
GHG-1	Greenhouse Gas Emissions <i>Greenhouse gas emissions generated by the project would have a significant impact on global climate change.</i>	<p>GHG-1 To ensure GHG emissions resulting from new development are reduced to levels necessary to meet California State targets, the County of Riverside shall require all new discretionary development to comply with the Implementation Measures of the Riverside County Climate Action Plan.</p> <p>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. The point values within the CAP's Screening Tables constitute GHG emission reductions.</p>	Significant and Unavoidable Impact.
GHG-2	Consistency with applicable GHG Plans, Policies, or Regulations <i>Project implementation could conflict with an applicable greenhouse gas reduction plan, policy, or regulation.</i>	Refer to Mitigation Measures GHG-1 and GHG-2.	Significant and Unavoidable Impact.



EIR Section	Impacts	Mitigation Measures	Level of Significance After Mitigation
4.9 Hazards and Hazardous Materials			
HAZ-1	<p>Routine Transport of Materials <i>Project implementation could substantially create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials.</i></p>	No mitigation measures are required.	Less Than Significant Impact.
HAZ-2	<p>Upset and Accident Conditions <i>Project implementation would create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.</i></p>	<p>HAZ-1 Prior to issuance of any grading or building permit (whichever occurs first) for a project subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) on a site identified on any list of hazardous materials compiled pursuant to Government Code Section 65962.5, a formal Phase I Environmental Site Assessment (ESA) shall be prepared in accordance with ASTM Standard Practice E 1527-05 or the Standards and Practices for All Appropriate Inquiry (AAI). The Phase I ESA shall identify specific Recognized Environmental Conditions (RECs), which may require further sampling/remedial activities by a qualified Hazardous Materials Specialist with Phase II/site characterization experience prior to demolition, and/or construction. The Hazardous Materials Specialist shall identify proper remedial activities appropriate to the hazardous material(s) found (e.g., removal and disposal; bio-remediation; pump and treat; soil vapor extraction, and in situ oxidation), as necessary.</p> <p>HAZ-2 Phase II testing shall be performed for any structure suspected of containing lead or asbestos prior to demolition activities. Removal of lead paints and Asbestos Containing Materials (ACMs) must be completed in accordance with an approved Health and Safety Plan prepared by a qualified Lead and ACMs Specialist. Disposal of lead paints and asbestos containing materials must be done at an approved disposal facility.</p>	Less Than Significant Impact With Mitigation Incorporated.
HAZ-3	<p>Nearby Schools <i>Project implementation could emit hazardous emissions or handle acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.</i></p>	No mitigation measures are required.	Less Than Significant Impact.



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HAZ-4	Airport-Related Hazard or Noise <i>Project implementation located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area.</i>	No mitigation measures are required.	Less Than Significant Impact.
HAZ-5	Emergency Plans <i>Project implementation could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.</i>	No mitigation measures are required.	Less Than Significant Impact.
HAZ-6	Wildland Fire <i>Project Implementation could expose people or structures to a significant risk of loss, injury or death involving wildland fire.</i>	No mitigation measures are required.	Less Than Significant Impact.
4.10 Hydrology and Water Quality			
HWQ-1	Water Quality <i>Project implementation could violate water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.</i>	No mitigation measures are required.	Less Than Significant Impact.
HWQ-2	Groundwater Supply or Recharge <i>Project implementation could alter the existing drainage pattern of the site or area in a manner which could result in erosion or siltation on- or off-site; increase the rate or amount of surface runoff which could result in flooding on- or off-site; and create or contribute runoff water which could exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.</i>	No mitigation measures are required.	Less Than Significant Impact.
HWQ-3	Erosion or Siltation, Drainage, or Flooding <i>Project implementation could alter the existing drainage pattern of the site or area in a manner which could result in erosion or siltation on- or off-site; increase the rate or amount of surface runoff which could result in flooding on- or off-site; and create or contribute runoff water which could exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.</i>	No mitigation measures are required.	Less Than Significant Impact.
HWQ-4	Release of Pollutants <i>Project could release pollutants due to project inundation in flood hazard, tsunami, or seiche zones.</i>	No mitigation measures are required.	Less Than Significant Impact.



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HWQ-5	Water/Groundwater Management Plans <i>Project implementation could conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.</i>	No mitigation measures are required.	Less Than Significant Impact.
4.11 Land Use and Planning			
LU-1	Established Community <i>Project implementation could physically divide an established community.</i>	No mitigation measures are required.	No Impact.
LU-2	Land Use Plans <i>Project implementation could cause a significant environmental impact due to a conflict with adopted land use plans, policies, or regulations.</i>	Refer to Section 4.2 and Section 4.7 .	Significant and Unavoidable Impact.
4.12 Mineral Resources			
MIN-1	Loss of Known Mineral Resource <i>Project implementation could result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.</i>	No mitigation measures are required.	No Impact.
MIN-2	Loss of Locally Important Resource <i>Project implementation could result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.</i>	No mitigation measures are required.	No Impact.
4.13 Noise and Vibration			
NOI-1	Ambient Noise Levels <i>Project implementation could generate a substantial temporary or permanent increase in ambient noise levels.</i>	NOI-1 For projects that are subject to California Environmental Quality Act (CEQA) review (i.e., non-exempt projects), project applicants shall ensure through contract specifications that construction best management practices (BMPs) will be implemented by all project contractors to reduce construction noise levels. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City Development Services Department prior to issuance of a grading or building permit (whichever is issued first). BMPs to reduce construction noise levels may include, but are not limited to, the following: <ul style="list-style-type: none"> • Ensure that construction equipment is properly muffled according to industry standards and is in good working condition. 	Significant and Unavoidable Impact.



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		<ul style="list-style-type: none"> • Place noise-generating construction equipment and construction staging areas away from sensitive uses. • Implement noise attenuation measures, as needed, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources. • Use electric air compressors and similar power tools rather than diesel equipment, where feasible. • Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes. • Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and residents to contact the job superintendent. 	
NOI-2	<p>Vibration Impacts. <i>Project implementation could result in significant vibration impacts to nearby sensitive receptors and structures.</i></p>	<p>NOI-2 Projects that are subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) with construction activities within 25 feet of an occupied sensitive use (i.e., historical buildings, residential, senior care facilities, hospitals, and schools/day care centers) shall be required to prepare a project-specific vibration impact analysis to evaluate potential construction vibration impacts associated with the project, and to determine any specific vibration control mechanisms that shall be incorporated into the project's construction bid documents to reduce such impacts. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the County prior to issuance of a grading permit.</p> <p>NOI-3 Projects that are subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) within 100 feet of a historic structure(s) shall implement the following measures to reduce the potential for architectural/structural damage resulting</p>	Less Than Significant Impact With Mitigation Incorporated.



EIR Section	Impacts	Mitigation Measures	Level of Significance After Mitigation
		<p>from elevated groundborne noise and vibration levels:</p> <ul style="list-style-type: none"> • Pile driving within 50 feet of any historic structure(s) shall utilize alternative installation methods, such as pile cushioning, jetting, predrilling, cast-in-place systems, and resonance-free vibratory pile drivers. • As accessible, a preconstruction survey of all eligible for listing or listed historic buildings under the National Register of Historic Places, California Register of Historic Resources, and/or local historic database(s) within 50 feet of proposed construction activities shall be conducted. Fixtures and finishes within 50 feet of construction activities susceptible to damage shall be documented photographically and in writing. The preconstruction survey shall determine conditions that exist before construction begins for use in evaluating any damage caused by construction activities. Construction vibration monitoring shall be conducted at the edges of these historic properties and construction activities shall be reduced, as needed, to ensure no damage occurs. • Vibration monitoring shall be conducted prior to and during pile driving operations occurring within 100 feet of the historic structure(s). Contractors shall limit construction vibration levels during pile driving and impact activities in the vicinity of the historic structure(s) in accordance with the California Department of Transportation (Caltrans) Transportation and Construction Vibration Guidance Manual, dated September 2013. 	
NOI-3	<p>Airstrip or Airport <i>Project implementation may expose people to excessive noise levels due to a private airstrip or airport.</i></p>	Refer to Mitigation Measure NOI-1.	Less Than Significant With Mitigation Incorporated.



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4.14 Population and Housing			
PHE-1	Population Growth <i>Project implementation could directly or indirectly induce substantial unplanned population growth.</i>	No mitigation measures are required.	Less Than Significant Impact.
PHE-2	Replacement Housing <i>Project implementation could displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.</i>	No mitigation measures are required.	Less Than Significant Impact.
4.15 Public Services			
PS-1	Fire Protection <i>Future development associated with project implementation could result in substantial adverse physical impacts associated with the provision of new or physically altered government 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, response times or other performance objectives for fire protection services.</i>	No mitigation measures are required.	Less Than Significant Impact.
PS-2	Sheriff Protection <i>Future development associated with project implementation could result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for sheriff protection services.</i>	No mitigation measures are required.	Less Than Significant Impact.
4.16 Recreation			
REC-1	Existing Facilities <i>Project implementation could increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration would occur or accelerate.</i>	No mitigation measures are required.	Less Than Significant Impact.
REC-2	New Facilities <i>Project implementation could include or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.</i>	No mitigation measures are required.	Less Than Significant Impact.



1.0 Executive Summary

EIR Section	Impacts	Mitigation Measures	Level of Significance After Mitigation
4.17 Transportation			
TRA-1	<p>Project Traffic Generation <i>Project implementation could generate traffic volumes that would conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.</i></p>	No mitigation measures are required.	Less Than Significant Impact.
TRA-2	<p>Vehicle Miles Traveled <i>Project implementation could conflict or be inconsistent with CEQA guidelines section 15064.3, Subdivision (b).</i></p>	<p>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).</p>	Significant and Unavoidable Impact, With Mitigation Incorporated.
TRA-3	<p>Geometric Design Feature <i>Project implementation could substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).</i></p>	No mitigation measures are required.	Less Than Significant Impact.
TRA-4	<p>Emergency Access <i>Project implementation could result in inadequate emergency access.</i></p>	<p>TRA-2 Construction Transportation Plan: The contractor shall prepare a detailed Construction Transportation Plan (CTP) for the purpose of minimizing the impact of construction and construction traffic on adjoining and nearby roadways in close consultation with the County. The County shall review and approve the CTP before the contractor commences any construction activities. This plan shall address, in detail, the activities to be carried out in each construction phase, with the requirement of maintaining traffic flow during peak travel periods. Such activities include, but are not limited to, the routing and</p>	Less Than Significant Impact With Mitigation Incorporated.



EIR Section	Impacts	Mitigation Measures	Level of Significance After Mitigation
		<p>scheduling of materials deliveries, materials staging and storage areas, construction employee arrival and departure schedules, employee parking locations, and temporary road closures, if any. The CTP shall provide traffic controls pursuant to the California Manual on Uniform Traffic Control Devices sections on temporary traffic controls (Caltrans 2012) and shall include a traffic control plan that includes, at a minimum, the following elements:</p> <ul style="list-style-type: none"> • Temporary signage to alert motorists, cyclists, and pedestrians to the construction zone. • Flag persons or other methods of traffic control. • Traffic speed limitations in the construction zone. • Temporary road closures and provisions for alternative access during the closure. • Detour provisions for temporary road closures—alternating one-way traffic would be considered as an alternative to temporary closures where practicable and where it would result in better traffic flow than would a detour. • Identified routes for construction traffic. • Provisions for safe pedestrian and bicycle passage or convenient detour. • Provisions to minimize access disruption to residents, businesses, customers, delivery vehicles, and buses to the extent practicable—where road closures are required during construction, limit to the hours that are least disruptive to access for the adjacent land uses. • Provisions for 24-hour access by emergency vehicles. • Safe vehicular, bicycle, and pedestrian access to local businesses and residences during construction. The plan shall provide for scheduled transit access where construction would otherwise impede such access. Where 	



EIR Section	Impacts	Mitigation Measures	Level of Significance After Mitigation
		<p>an existing bus stop is within the work zone, the design-builder shall provide a temporary bus stop at a safe and convenient location away from where construction is occurring in close coordination with the Riverside Transit Agency.</p> <ul style="list-style-type: none"> • Advance notification to the local school district(s) of construction activities and rigorously maintained traffic control at all school bus loading zones, to provide for the safety of schoolchildren. Review existing or planned Safe Routes to Schools with school districts and emergency responders to incorporate roadway modifications that maintain existing traffic patterns and fulfill response route and access needs during project construction operations. • Identification and assessment of the potential safety risks of project construction to children, especially in areas where a project is located near homes, schools, daycare centers, and parks. • Promotion of child safety within and near a project area. For example, crossing guards could be provided in areas where construction activities are located near schools, daycare centers, and parks. • CTPs would consider and account for the potential for overlapping construction projects. 	
4.18 Tribal Cultural Resources			
TCR-1	<p>Tribal Cultural Resources <i>Project implementation could cause a significant impact to a Tribal Cultural Resources listed or eligible for listing in the California register of historical resources, or in a local register of historical resources, or impact a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant to a California Native American Tribe.</i></p>	No mitigation measures are required.	Less Than Significant Impact.



1.0 Executive Summary

EIR Section	Impacts	Mitigation Measures	Level of Significance After Mitigation
4.19 Utilities and Service Systems			
UTL-1	<p>New or Relocated Facilities <i>Project implementation could require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities.</i></p>	No mitigation measures are required.	Less Than Significant Impact.
UTL-2	<p>Water Supplies <i>Project implementation has sufficient water supplies to serve the project and future development</i></p>	No mitigation measures are required.	Less Than Significant Impact.
UTL-3	<p>Wastewater Capacity <i>The wastewater treatment provider has adequate capacity to serve the project's projected demand.</i></p>	No mitigation measures are required.	Less Than Significant Impact.
UTL-4 and UTL-5	<p>Solid Waste Capacity and Regulations <i>Project implementation could generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure.</i></p> <p><i>Project implementation would comply with Federal, State, and local management and reduction statutes and regulations related to solid waste.</i></p>	No mitigation measures are required.	Less Than Significant Impact.
4.20 Wildfire			
WF-1	<p>Emergency/Evacuation Plans <i>Project implementation could substantially impair an adopted emergency response or evacuation plan.</i></p>	No mitigation measures are required.	Less Than Significant Impact.
WF-2	<p>Wildfire Risks <i>Due to certain factors, the project could exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.</i></p>	No mitigation measures are required.	Less Than Significant Impact.
WF-3	<p>Associated Infrastructure <i>The project would require the installation of associated infrastructure that may exacerbate fire risk or result in temporary or ongoing impacts to the environment.</i></p>	No mitigation measures are required.	Less Than Significant Impact.
WF-4	<p>Risk to People or Structures <i>The project could expose people or structures to significant risks, including flooding or landslides.</i></p>	No mitigation measures are required.	Less Than Significant Impact.



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2.0 INTRODUCTION

2.1 PURPOSE AND AUTHORITY

The California Environmental Quality Act (CEQA) requires that all State and local agencies consider the potential environmental impacts of projects over which they have discretionary authority. An Environmental Impact Report (EIR) is intended to provide decision-makers and the public with information concerning the potential environmental impacts of a proposed project, possible ways to reduce or avoid the possible significant environmental impacts and identify alternatives to the project. An EIR must also disclose significant impacts that cannot be avoided; growth inducing impacts; effects found not to be significant; as well as significant cumulative impacts of all past, present, and reasonably anticipated future projects.

The County of Riverside is the Lead Agency under CEQA and is responsible for preparing this Program EIR for the Winchester Community Plan Project (“project”) (State Clearinghouse No. 2019049114). This Program EIR 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 purpose of this Program EIR is to review the existing conditions, analyze potential environmental impacts, identify existing policies and programs that serve as mitigation, and identify additional mitigation measures to reduce potentially significant effects of the proposed project. For more detailed information regarding the proposed project, refer to [Section 3.0, Project Description](#).

The County of Riverside (which has the principal responsibility for processing and approving the project) and other public (i.e., responsible and trustee) agencies that may use this Program EIR in the decision-making or permit process will consider the information in this Program EIR, along with other information that may be presented during the CEQA process. Environmental impacts are not always able to be mitigated to a level considered less than significant; in those cases, impacts are considered significant and unavoidable impacts. In accordance with State CEQA Guidelines Section 15093(b), if a public agency approves a project that has significant impacts that cannot be mitigated (i.e., significant unavoidable impacts), the agency shall state in writing the specific reasons for approving the project, based on the Final EIR and any other information in the public record for the project. This is termed, per Section 15093 of the State CEQA Guidelines, a “statement of overriding considerations.”

This document 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.

This EIR has been prepared as a Program EIR in accordance with State CEQA Guidelines Section 15168, which states the following:

- a) *General. A program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either:*
 1. *Geographically,*
 2. *As logical parts in the chain of contemplated actions,*
 3. *In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or*
 4. *As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways.*
- b) *Advantages. Use of a program EIR can provide the following advantages. The program EIR can:*
 1. *Provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action,*
 2. *Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis,*
 3. *Avoid duplicative reconsideration of basic policy considerations,*
 4. *Allow the Lead Agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts, and*
 5. *Allow reduction in paperwork.*
- c) *Use with Later Activities. Subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.*
 1. *If a later activity would have effects that were not examined in the Program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.*
 2. *If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.*



3. *An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program.*
 4. *Where the subsequent activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operations were covered in the program EIR.*
 5. *A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.*
- d) *Use with Subsequent EIRs and Negative Declarations. A program EIR can be used to simplify the task of preparing environmental documents on later parts of the program. The program EIR can:*
1. *Provide the basis in an Initial Study for determining whether the later activity may have any significant impacts.*
 2. *Be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.*
 3. *Focus an EIR on a subsequent project to permit discussion solely of new effects which had not been considered before.*

2.2 INTENDED USES OF THE PROGRAM 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. PRC Section 21068.5 defines “tiering” as “the coverage of general matters and environmental impacts in an environmental impact report [EIR] prepared for a policy, plan, program, or ordinance followed by narrower or site-specific environmental impact reports [EIRs] which incorporate by reference the discussion in any prior environmental impact report [EIR] and which concentrate on the environmental impacts which (a) are capable of being mitigated, or (b) were not analyzed as a significant impact on the environment in the prior environmental impact report [EIR].” 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).



2.0 Introduction

Additionally, the proposed project is considered a community plan per State CEQA Guidelines Section 15183(i)(1). State CEQA Guidelines Section 15183(i)(1) defines a community plan as a part of the general plan of a city or county which applies to a defined geographic portion of the total area included in the general plan, includes or references each of the mandatory elements specified in Section 65302 of the Government Code, and contains specific development policies and implementation measures which will apply those policies to each involved parcel. According to State CEQA Guidelines Section 15183(a), future projects that are consistent with the development density established by a community plan for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site helping to reduce the need to prepare redundant environmental studies. Furthermore, Public Resources Code Section 21083.3 also stipulates that if a parcel has been zoned to accommodate a particular density or has been designated in a community plan to accommodate a particular density of development and an EIR was certified for that zoning or planning action, environmental review for future development consistent with the zoning or community plan shall be limited to the effects upon the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior EIR, or which substantial new information shows will be more significant than described in the prior EIR. Based on this information, future development projects could tier from this Program EIR per State CEQA Guidelines Section 15152 or may not require any further environmental review per State CEQA Guidelines Section 15183 if they meet the conditions described above.

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 if the Program EIR is certified. In future site-specific review, the County would apply the performance standards set forth in this Program EIR to confirm that one or more mitigation measures proposed in the Program EIR would effectively avoid or reduce particular environmental impacts of the future project (State CEQA Guidelines Section 15126.4(a)(1)(b)).

2.3 COMPLIANCE WITH CEQA

PUBLIC REVIEW OF THE DRAFT EIR

In accordance with State CEQA Guidelines Sections 15087 and 15105, this Draft EIR will be circulated for a 45-day public review period. The public are invited to comment in writing on the information contained in this document. Persons and agencies commenting are encouraged to provide information that they believe is missing from the Draft EIR and to identify where the information can be obtained. All comment letters received before the close of the public review period will be responded to in writing, and the comment letters, together with the responses to those comments, will be included in the Final EIR.



Comment letters should be sent to:

Manny Baeza, Principal Planner
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501
mbaeza@rivco.org.

FINAL EIR

The Final EIR will consist of the Draft EIR, revisions to the Draft EIR (if any), and responses to all written comments addressing significant environmental points raised in the comments of responsible agencies, the public, and any other reviewing parties (State CEQA Guidelines Section 15132). After the Final EIR is completed, and at least ten days prior to the certification hearing, a copy of the response to comments made by public agencies on the Draft EIR will be provided to the commenting agencies (Public Resources Code Section 21092.5).

PROJECT CONSIDERATION

After Final EIR certification, the County Board of Supervisors may consider approval of the proposed project. A decision to approve the project would be accompanied by specific, written findings, in accordance with State CEQA Guidelines Section 15091, and if required, a specific written statement of overriding considerations, in accordance with State CEQA Guidelines Section 15093.

2.4 NOTICE OF PREPARATION/EIR SCOPING PROCESS

In compliance with the State CEQA Guidelines, the County of Riverside provided opportunities for agencies and the public to participate in the environmental review process. During preparation of the Draft EIR, efforts were made to contact various federal, State, regional, and local government agencies, and other interested parties to solicit comments on the scope of review in this document. This included the distribution of a Notice of Preparation (NOP) to various responsible agencies, trustee agencies, and interested parties.

Pursuant to State CEQA Guidelines Section 15082, the County of Riverside circulated a NOP to public agencies (including the State Clearinghouse Office of Planning and Research), special districts, and members of the public who requested such notice. The NOP was distributed and received by these parties on April 18, 2019, for a 30-day public review period, which concluded on May 20, 2019.

The purpose of the NOP was to formally announce the preparation of a Draft EIR for the proposed project, and that, as the Lead Agency, the County was soliciting input regarding the scope and content of the environmental information to be included in the Program EIR. The NOP provided preliminary information regarding the anticipated range of impacts to be analyzed within the EIR.

The NOP is provided in [Appendix A, *Notice of Preparation and Comment Letters*](#). Overall issues raised during the NOP review period in submitted letters and at the public scoping meeting and



potentially related to the scope of the Draft EIR are summarized in [Table 2-1, Scoping Comments Summary](#).

Table 2-1: Scoping Comments Summary

Agency, Organization, or Name	Comments	EIR Section(s) Where Comments are Addressed
City of Menifee	The City of Menifee is concerned with the amount of traffic the proposed project may generate and the potential impacts to regional east/west transportation corridors that run through the City's boundaries and are within the project vicinity. The City requests the EIR to thoroughly address the project's potential impacts on Traffic, Air Quality/GHG, Land Use and Planning, Population and Housing and Cumulative Impacts on a regional basis.	Sections 4-03, 4-08, 4-11, 4-14, 4-17, and 5-0.
Airport Land Use Commission	ALUC requests that the County submit the project for its review. ALUC staff is also available to assist in bringing the County's General Plan into consistency with the applicable ALUCP, if the County so desires.	Sections 4-09 and 4-13.
Steve Lauzier – Soboba Tribe	The Soboba Tribe expresses the desire to be included on all future conversations and planning sessions that are applicable or that might affect the tribe's properties.	Sections 4-05 and 4-18.
California Department of Conservation	The California Department of Conservation is concerned with impacts to agricultural resources, the conservation of agricultural lands, and states that all mitigation measures that area potentially feasible should be considered. The Department highlights easements as a mitigation tool because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because they follow an established rationale similar to that of wildlife habitat mitigation.	Section 4-02.
California Office of Planning and Research	Provided basic CEQA information.	N/A
Native American Heritage Commission	The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.	Sections 4-05 and 4-18.
Eastern Municipal Water District	EMWD will need land use data in GIS format for the currently proposed project land uses to run water and sewer models used in the facility planning process and quantify changes in water demands and sewer generation to serve future development in the project area.	Sections 4-10, 4-15, and 4-19.
Hemet Unified School District	HUSD requests that the Environmental Impact Report addresses the impacts to Public Services within the project area, specifically the impacts to K-12 school facilities. The number of potential students generated from the project and their impact to existing K-12 school facilities needs to be analyzed. HUSD also requests a meeting with the project team to discuss potential mitigation measures from the impacts to K-12 school facilities.	Sections 4-14 and 4-15.

**Table 2-1: Scoping Comments Summary, continued**

Agency, Organization, or Name	Comments	EIR Section(s) Where Comments are Addressed
Pechanga Cultural Resources	The Tribe recommends identification of conservation and preservation areas that consider avoiding impacts to tribal cultural resources, in consultation with Tribe, and to have appropriate land use designations in these areas in an effort to protect them in perpetuity. The Tribe requests to meet with the County to discuss this further.	Sections 4-05 and 4-18.
California Department of Fish and Wildlife	To enable CDFW staff to adequately review and comment on the project, the DPEIR should include a complete assessment of the flora and fauna within and adjacent to the project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats.	Section 4-04.
Endangered Habitats League	EHL asks that the DEIR include alternatives that are transit-adaptive, if not actually transit-oriented, with a grid street pattern, "complete streets" friendly to multi-modal transportation, walkable commercial and mixed-use centers surrounded by higher density housing, along with amenities like parks. Stormwater should be captured and infiltrated. Greenhouse gas emissions and heat capture should be reduced on site through land use design, reflective roofs and pavement, and construction.	Sections 4-01, 4-08, 4-10, 4-11, 4-16, and 4-17.
Matthew Fagan	Made comments pertaining to the Centerwood Project (CZ 1800007 and TTM 37439) and the accuracy as shown within the exhibits.	Project Description
Metropolitan Water District	Metropolitan must be allowed to maintain its rights-of-way and requires unobstructed access to its facilities in order to maintain and repair its system. In order to avoid potential conflicts with Metropolitan's facilities and rights-of-way, we require that any design plans for any activity in the area of Metropolitan's pipelines or facilities be submitted for our review and written approval. Metropolitan will not permit procedures that could subject the pipeline to excessive vehicle, impact or vibratory loads. Any future design plans associated with this project should be submitted to the attention of Metropolitan's Substructures Team. Approval of the project should be contingent on Metropolitan's approval of design plans for portions of the proposed project that could impact its facilities.	Sections 4-10, 4-15, 4-17, and 4-19.
South Coast AQMD	If the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment. If the proposed project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate these impacts.	Section 4-03.



Table 2-1: Scoping Comments Summary, continued

Agency, Organization, or Name	Comments	EIR Section(s) Where Comments are Addressed
Southern California Association of Governments	To achieve the goals of the 2016 RTP/SCS, a wide range of land use and transportation strategies are included in the 2016 RTP/SCS. SCAG staff recommends that you review the Final Program Environmental Impact Report (Final PEIR) for the 2016 RTP/SCS for guidance, as appropriate. SCAG's Regional Council certified the Final PEIR and adopted the associated Findings of Fact and a Statement of Overriding Considerations (FOF/SOC) and Mitigation Monitoring and Reporting Program (MMRP) on April 7, 2016.	Sections 4-06, 4-10, 4-14, and 4-17.
Valley-Wide Recreation and Park District	Regarding parks and open space, Valley-Wide requires five (5) acres of developed park land for every 1,000 population. All residential projects will be subject to this requirement. For residential projects where a park is not required, park fees will be paid to Valley-Wide in lieu of dedicated park land.	Section 4-16.
Western Riverside County Regional Conservation Authority	The portion of the proposed project that includes criteria cells 5070, 5067, 5068, and 5170 would only involve the inclusion of an already adopted Specific Plan (310) that included these cells. Other than this area, there is a single criteria cell (3887) in the far northeast corner of the proposed GP revision that is described for conservation. These lands are described for conservation as part of the Hemet Vernal Pool Complex and as such supports rare alkali vernal pool species. Development of the eastern portion of Cell 3887 would likely require a Criteria Refinement and mitigation that can be expensive and difficult to find	Section 4-04.

2.5 FORMAT OF THE PROGRAM EIR

The Draft EIR is organized into the following sections:

- Section 1.0, *Executive Summary*, provides a brief project description and summary of the environmental impacts and mitigation measures.
- Section 2.0, *Introduction and Purpose*, provides CEQA compliance information.
- Section 3.0, *Project Description*, provides a detailed project description indicating project location, background, and history; project characteristics, phasing, and objectives; as well as associated discretionary actions required.
- Section 4.0, *Environmental Analysis*, contains a detailed environmental analysis of the existing conditions, existing regulatory setting, potential project impacts, recommended mitigation measures, and significant unavoidable impacts for the following environmental topic areas:
 - Aesthetics;
 - Agricultural and Forestry Resources;



2.0 Introduction

- 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;
 - Population and Housing;
 - Public Services
 - Recreation;
 - Transportation;
 - Tribal Cultural Resources;
 - Utilities and Service Systems;
 - Wildfire; and
 - Mandatory Findings of Significance.
- Section 5.0, *Cumulative Impacts*, describes potential cumulative impacts of the proposed project.
 - Section 6.0, *Other CEQA Considerations*, discusses long-term implications of the proposed action. Irreversible environmental changes that would be involved in the proposed action, should it be implemented, are considered. The project's growth-inducing impacts are also discussed.
 - Section 7.0, *Alternatives to the Proposed Project*, describes a reasonable range of alternatives to the project or its location that could avoid or substantially lessen the project's significant impact and still feasibly attain the basic project objectives.
 - Section 8.0, *Preparers and Contributors*, identifies all authors and project contacts of the Program EIR and related technical appendices.
 - Section 9.0, *References*, identifies reference sources for the EIR.
 - Appendices, contains technical documentation for the project.



2.6 RESPONSIBLE AND TRUSTEE AGENCIES

Certain projects or actions undertaken by a Lead Agency require subsequent discretionary approvals or permits from other public agencies to be implemented. Such other agencies are referred to as Responsible Agencies and Trustee Agencies. Pursuant to State CEQA Guidelines §§ 15381 and 15386, as amended, Responsible Agencies and Trustee Agencies are respectively defined as follows:

“Responsible Agency” means a public agency, which proposes to carry out or approve a project, for which [a] Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term “responsible agency” includes all public agencies other than the Lead Agency, which have discretionary approval power over the project. (§15381)

“Trustee Agency” means a state agency having jurisdiction by law over natural resources affected by a project, which are held in trust for the people of the State of California. Trustee Agencies include; the California Department of Fish and Game, the State Lands Commission; the State Department of Parks and Recreation and the University of California with regard to sites within the Natural Land and Water Reserves System. (§15386)

The following are a list of Responsible and Trustee Agencies and other entities that may use this EIR for informational purposes or in their decision-making process, such as the issuance of regulatory permits, use permits, utility will-serve letters, etc. It should be noted that the purpose of the proposed project is a policy-level document and does not itself propose any new development. As projects come in, they will be evaluated at the project-level by applicable agencies/entities to determine which permits would be required.

- County of Riverside Airport Land Use Commission
- California Department of Forestry and Fire Protection (CAL FIRE)
- Santa Ana Regional Water Quality Control Board
- South Coast Air Quality Management District

2.7 INCORPORATION BY REFERENCE

Pertinent documents relating to this EIR have been cited in accordance with State CEQA Guidelines Section 15148, which encourages “incorporation by reference” as a means of reducing redundancy and length of environmental reports. The documents listed below, which are available for public review at the Riverside County Planning Department at 4080 Lemon Street, 12th Floor, Riverside, CA 92501, are hereby incorporated by reference into this EIR. Information contained within these documents has been utilized for each section of this EIR. A brief synopsis of the scope and content of these documents is provided below.

- *County of Riverside General Plan*. The County of Riverside General Plan (General Plan) was adopted on December 8, 2015. The General Plan is the County’s comprehensive, long-range planning and policy document that not only guides growth and change within the County, but also preserves and protects the unique qualities that the community



values most. The General Plan goals and policies serve as a guide for future development and desired conditions in support of the County overall vision. The General Plan is organized by elements. Each element includes an introduction to describe the element and its organization. Goals and policies are organized by topical areas specific to each element. The General Plan also contains distinct Area Plans for each unincorporated area within the County, including Harvest/Valley Winchester. The Harvest Valley/Winchester Area Plan was last revised on December 6, 2016.

- *County of Riverside General Plan Update Environmental Impact Report*. The County of Riverside General Plan Update Environmental Impact Report (General Plan EIR) prepared and approved on December 8, 2015, as EIR No. 521. The General Plan EIR analyzed updates to the General Plan. The General Plan EIR identifies potential significant environmental impacts of General Plan Update proposals, alternatives with fewer adverse impacts, and potential ways to reduce or avoid environmental damage, thereby addressing significant environmental impacts and mitigation options. The General Plan EIR evaluates the proposed General Plan Update's effect on the physical environment as it is now, and the impact on the environment that would exist under the proposed General Plan Update, including secondary and cumulative effects.
- *Riverside County Ordinances*. The Riverside County Ordinances consists of all the regulatory and penal ordinances and administrative ordinances of the County of Riverside. The Riverside County Ordinances is one of the County's primary tools to implement control of land uses, in accordance with General Plan goals and policies. The Riverside County Ordinances provide the legislative framework to implement and enhance the General Plan by classifying and regulating the uses of land and structures within the County. The Riverside County Ordinances also act as the County's Land Use Ordinance (Ordinance No. 348), providing development standards for each zone throughout the unincorporated County. Additionally, the County Ordinances provide the rules and regulations for construction, alteration, and building for uses of human habitation.



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3.0 PROJECT DESCRIPTION

3.1 PROJECT LOCATION AND SETTING

PROJECT LOCATION

The Winchester Community Planning project (project area) is located within the southwestern portion of the County of Riverside (County); refer to [Exhibit 3-1, *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 3-2, *Local Vicinity*](#).

The project area is almost entirely within the General Plan's Highway 79 Policy Area (49,275 acres) boundary. The limits of the Highway 79 Policy Area are depicted on [Exhibit 3-5, *Highway 79 Policy Area*](#).

PROJECT SETTING (EXISTING CONDITIONS)

The northern portion of the project area primarily consists of vacant undeveloped parcels and agricultural uses with the exception of 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 3-2](#).

The project area is actually 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.



EXISTING CONDITIONS

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 General Plan's existing land uses within the project area include residential, commercial, agriculture, open space, and public facility land use designations.

Most of the Winchester PA is comprised of agricultural uses and undeveloped lands; refer to [Exhibit 3-6, *Existing Land Uses – Winchester Policy Area*](#). The two most prominent existing land uses in the Winchester PA are agricultural lands and water (i.e., Diamond Valley Lake).

The Highway 79 PA, which encompasses the Winchester PA, is generally more urbanized, particularly between the Green Acres and Homeland communities in the northern extent and Nicholas Road and Abelia Street in the southern extent. The Highway 79 PA is primarily residential but includes supporting neighborhood commercial and light industrial uses; refer to [Exhibit 3-7, *Existing Land Uses – Highway 79 Policy Area*](#). At the southern extent of the Highway 79 PA, there is the French Valley Airport and the Metropolitan Water District Robert A. Skinner Treatment Plant.

SURROUNDING LAND USES

The project is surrounded by the following land uses:

North: The area located north of the proposed project boundary primarily consists of vacant land with some scattered single-family residential uses on larger lots. The majority of this area is located within unincorporated Riverside County and falls within the Lakeview/Nuevo Area Plan of the County's General Plan; however, areas to the northeast of the project boundary are located within the city of Hemet. The County land use designations found in this area are Rural Community-Very Low Density Residential, Rural Mountainous, Rural Residential, Highest Density Residential, Agriculture, and Open Space-Recreation.

Uses in the westernmost portion of the city of Hemet include vacant land, agricultural uses, scattered single-family residential on larger lots and single-family residential uses developed as tract homes. These areas are designated River/Lake, Community Commercial, Mixed Use, Rural Residential, Hillside Residential, Low Density Residential, Low Medium Density Residential, Business Park and Public Facilities by the Hemet General Plan 2030.

East: Areas to the east of the project site primarily include vacant unincorporated Riverside County lands within the San Jacinto Valley and Southwest Area Plans. The city of Hemet lies to the northeast of the project boundary (see discussion above). The land use designations within unincorporated areas east of the project site include Waterbodies, Conservation Habitat, and Agriculture.

South: Areas to the south of the proposed project boundary are located within city of Temecula and unincorporated Riverside County and consist of vacant land, agricultural uses, scattered single-family residential on larger lots, and single-family residential uses developed as tract homes. Land uses for the areas that fall within the city of Temecula include Community



3.0 Project Description

Commercial, High Density Residential, Open Space, and Low Medium Residential. Land uses located within unincorporated Riverside County for this area include Agriculture, Open Space Conservation Habitat and Rural Residential.

West: The area located west of the proposed project boundary consists of undeveloped and developed land within the cities of Menifee and Murrieta and within unincorporated Riverside County. Developed areas consist of residential, commercial, office and recreational uses within the cities of Menifee and Murrieta. Agricultural uses can also be found to the west of the proposed project site. Land uses to the west of the project site within the city of Menifee include Menifee North SP, Menifee Valley Ranch SP, 2.1-5 du/ac and 8.1-14 du/ac Residential, Agriculture, Recreation, Menifee Village SP, and Rural Residential 2 ac min. Land uses within unincorporated Riverside County include Commercial Retail, Low Density Residential, Open Space Conservation, Medium Density Residential, Commercial Office, and Light Industrial. Land uses within the city of Murrieta include Commercial, Business Park, Single Family Residential, and Multiple Family Residential.

3.2 BACKGROUND AND HISTORY

Riverside County's existing General Plan land use policies for most of the project area are articulated primarily through the Harvest Valley/Winchester Area Plan. The County's existing General Plan land use policies for the southwestern portion of the community, specifically that area located between Briggs and Leon Roads, and between Newport and Scott Roads, are primarily articulated through the Sun City/Menifee Valley Area Plan. Both Area Plans were adopted in 2003, as part of the new countywide General Plan adopted at that time in conjunction with the Riverside County Integrated 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' Record of Decision regarding the preferred route of the Highway 79 realignment project, described below.

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 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.

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

3.3 PROJECT CHARACTERISTICS

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 23,153 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 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, and are analyzed as part of this EIR¹.
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. 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

¹ Future consistency zoning has been analyzed in sufficient detail in this Program EIR. The project is considered a community plan per State CEQA Guidelines Section 15183.



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. 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 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 Designation and Zoning. Future consistency zoning has been analyzed in sufficient detail in this Program EIR and the project is considered a community plan per State CEQA Guidelines Section 15183.

PROPOSED WINCHESTER POLICY AREA

Through the use of General Plan Policy Areas, Riverside County furthers its efforts to preserve distinctive land use patterns of different communities by tailoring language towards unique features found within a community. The project includes the expansion of the existing Winchester Policy Area found in the County General Plan's Harvest Valley/Winchester Area Plan (HVWAP) and will apply to approximately 23,143 acres. The expanded policy area is located 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 Winchester community along with portions of Romoland, Homeland, and Green Acres comprise the HVWAP.

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.

AREA PLAN AMENDMENTS

There are 19 Area Plans within the County's General Plan. The Area Plans provide a clear and more focused opportunity to enhance community identity within the County. Area Plans are comprised of a land use map and other illustrative materials relevant to the area, as well as specific policy direction for each unique area.



The proposed project will include amendments to three of the County's Area Plans. Currently, the approximately 23,143 acres that will be included in the expanded Winchester Policy Area fall within the HVWAP, Southwest Area Plan (SWAP), San Jacinto Valley Area Plan (SJVAP) and Sun City/Menifee Valley Area Plan (SCMVAP). The project would modify the boundaries of all four area plans so that the entirety of the expanded policy area will be located solely within the HVWAP; refer to [Exhibit 3-10, *Area Plan Amendments*](#). In order to accomplish this, 510 acres from the SWAP and approximately 1,928 acres from the SCMVAP would be transferred into the HVWAP, as shown in [Exhibit 3-10](#).

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 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 this Programmatic EIR, is presented in [Table 3-1, *Proposed General Plan Land Use Changes*](#), and depicted on [Exhibit 3-11, *Proposed Winchester Policy Area Land Use Designation Changes*](#).



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	-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.			



CIRCULATION ELEMENT AMENDMENT

The County's General Plan Circulation Element is one of seven mandatory elements for all jurisdictions within the State of California. The Circulation Element addresses the infrastructure needs of the County for the movement of goods and people including pedestrians, bicycles, transit, train, air, and automobile traffic flows within and through the community. The County's circulation system is also intended to accommodate a pattern of concentrated growth, providing both a regional and local linkage system between unique communities.

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.

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 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.

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.

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.



3.0 Project Description

3.4 DEVELOPMENT POTENTIAL

The proposed General Plan Land Use Designation changes and the removal of the development limit associated with the Highway 79 PA would create additional development capacity than the existing General Plan. [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.

Table 3-2: 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 PA)				
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.				

3.5 GOALS AND OBJECTIVES

Pursuant to State CEQA Guidelines Section 15124(b), the EIR project description must include a statement of objectives sought by the proposed project. The State CEQA Guidelines note that “a clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project and may discuss the project benefits.”



The proposed project's objectives are to:

- Provide greater housing variety and density, more affordable housing, life-cycle housing (e.g., starter homes for larger families to senior housing), workforce housing, veterans housing, etc.;
- Reduce distances between housing, workplaces, commercial uses, and other amenities and destinations;
- Provide 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 and land use synergy (e.g., residents provide patrons for commercial uses, which provide amenities for residents);
- Encourage stronger neighborhood character, sense of place and enhance the overall quality of development for the community;
- Create a sustainable multi-modal transportation network that includes 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-uses without requiring general plan amendments, to help revitalize the area, encourage new balanced economic development, and provide for new local infrastructure improvements;
- Encourage commercial development near intersections and clustered, as opposed to strip or piecemeal development spread along the Grand Avenue corridor;
- Promote higher density housing to achieve the 6th Cycle Regional Housing Needs Assessment housing goals;
- Fulfill a portion of the County's 6th Cycle Regional Housing Needs Assessment housing goals by increasing the residential development potential in the project area by 12,329 dwelling units through redesignating land uses and removing the Highway 79 Policy Area's requirement for a 9% reduction for residential development;
- Promote better job/housing balance; and,
- Promote more intense commercial/industrial areas to support the increased residential densities.

3.6 DISCRETIONARY APPROVALS

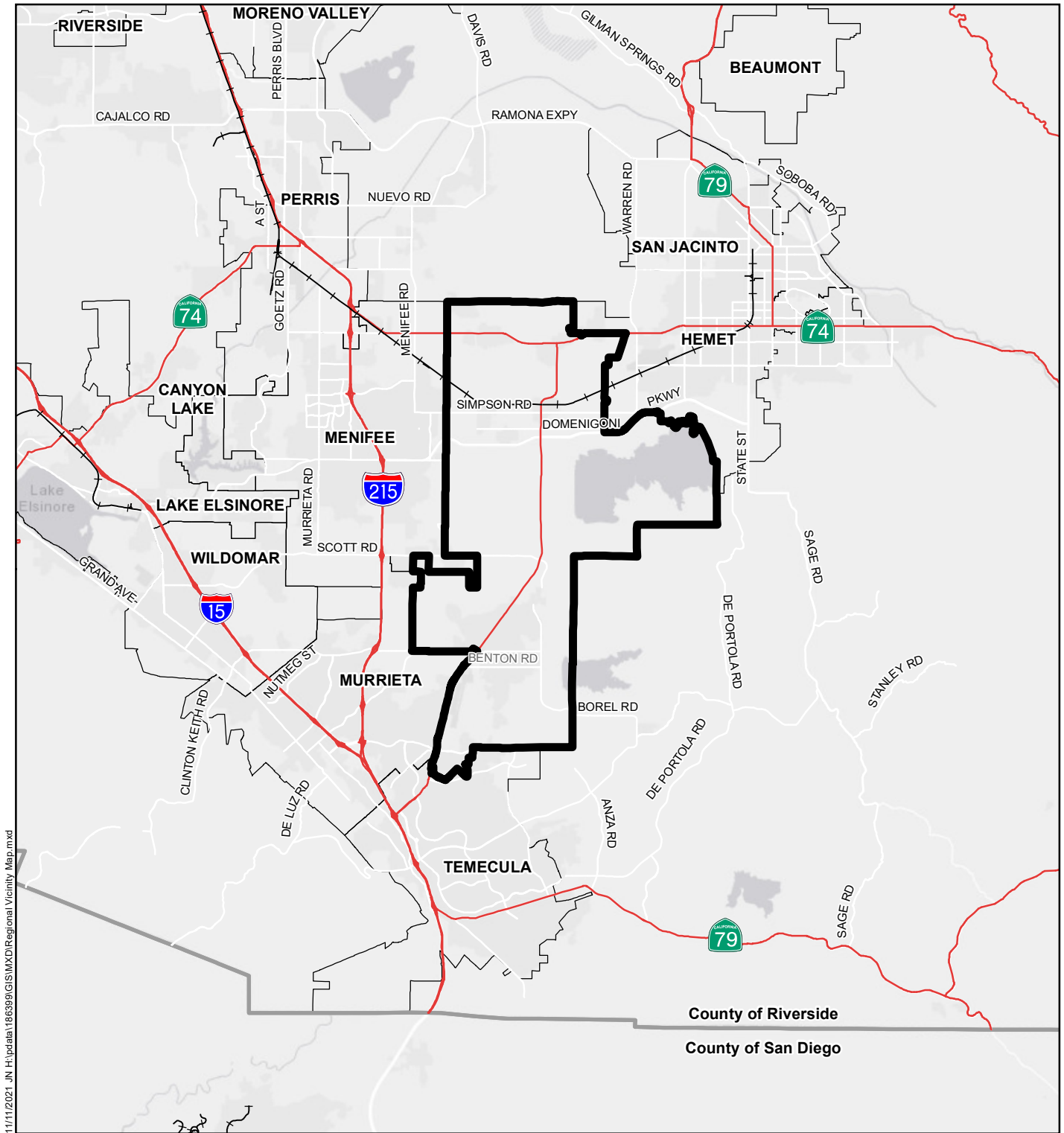
The County's applicable discretionary approvals associated with the project include, but are not limited to, the following:



3.0 Project Description






- Adoption 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 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 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
- Certification of the Environmental Impact Report

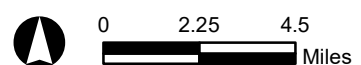
Project approval is subject to actions set forth by the County Planning Commission and Board of Supervisors. Adoption of the proposed General Plan Amendments and Community Design Guidelines would also be subject to review by the County of Riverside Airport Land Use Commission. Future development projects would be subject to the necessary review process as determined by the County's Planning Department, including applying mitigation measures from this Program EIR, as necessary.



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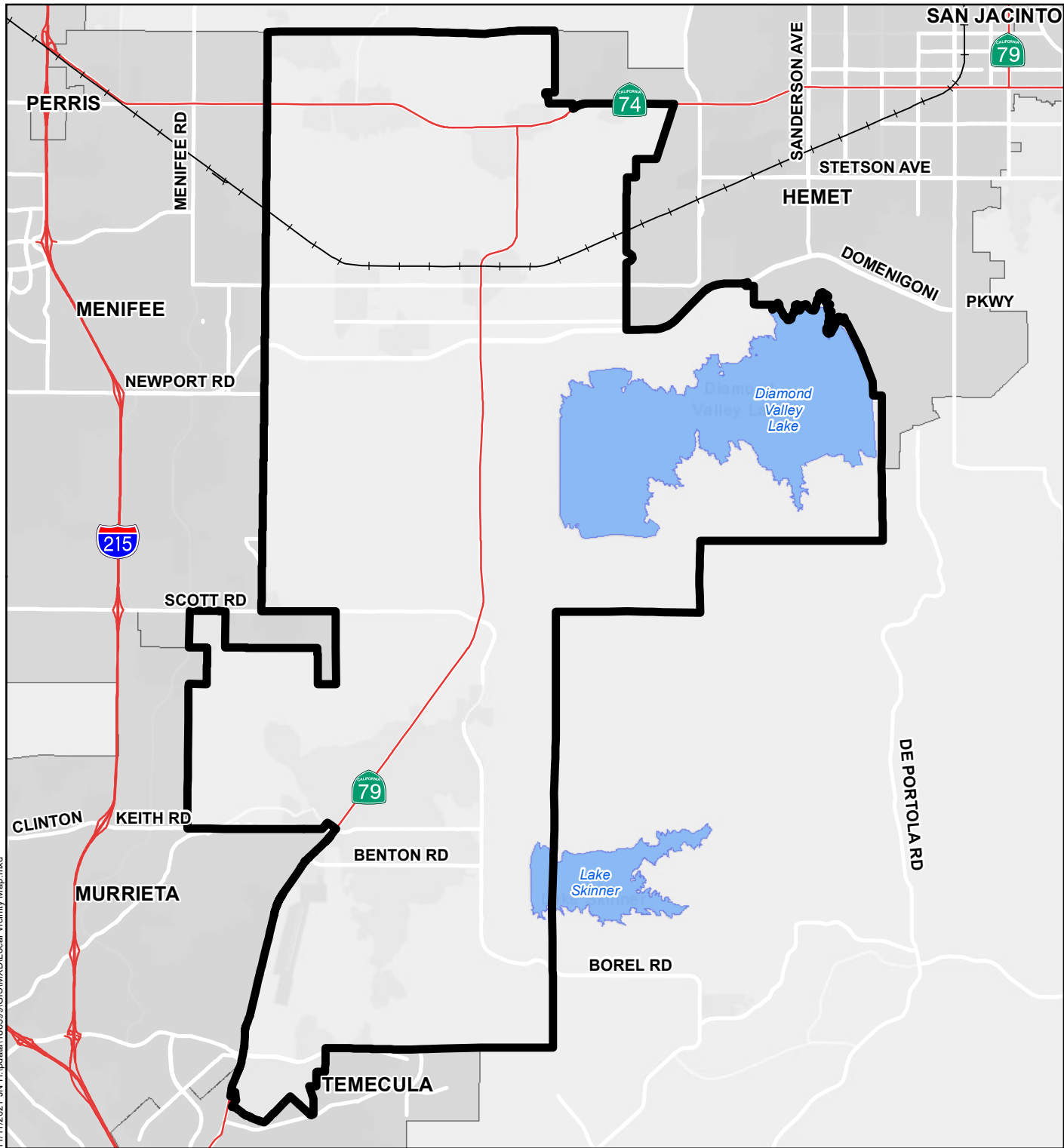
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	Project Area		Highway
	City Boundary		USA Railroads
	County Boundary		



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

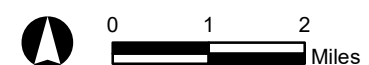
WINCHESTER COMMUNITY PLAN
 ENVIRONMENTAL IMPACT REPORT
Regional Vicinity Map



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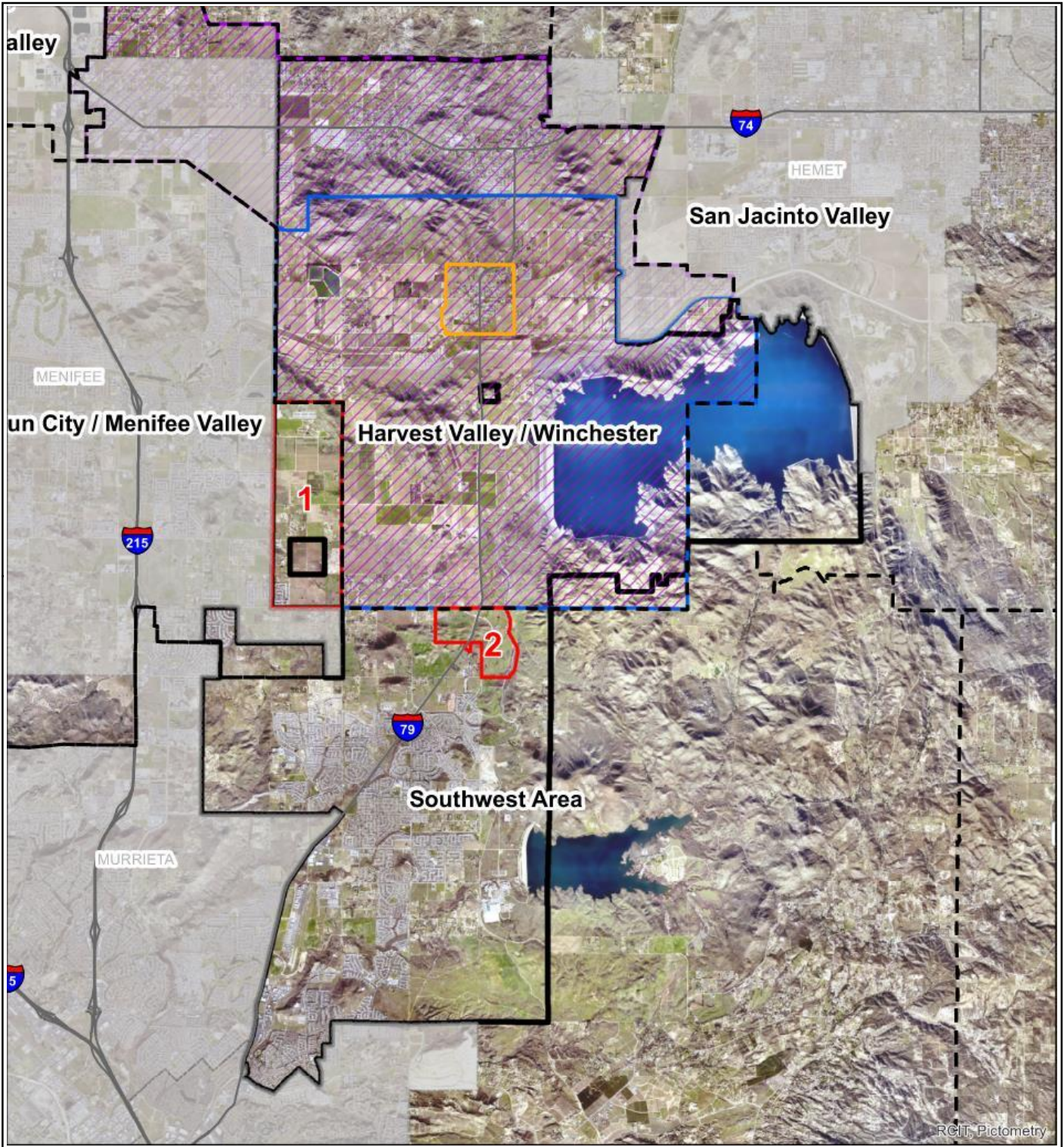
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- Project Area
- Highway
- City Boundary
- USA Railroads



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

WINCHESTER COMMUNITY PLAN
 ENVIRONMENTAL IMPACT REPORT
Local Vicinity Map



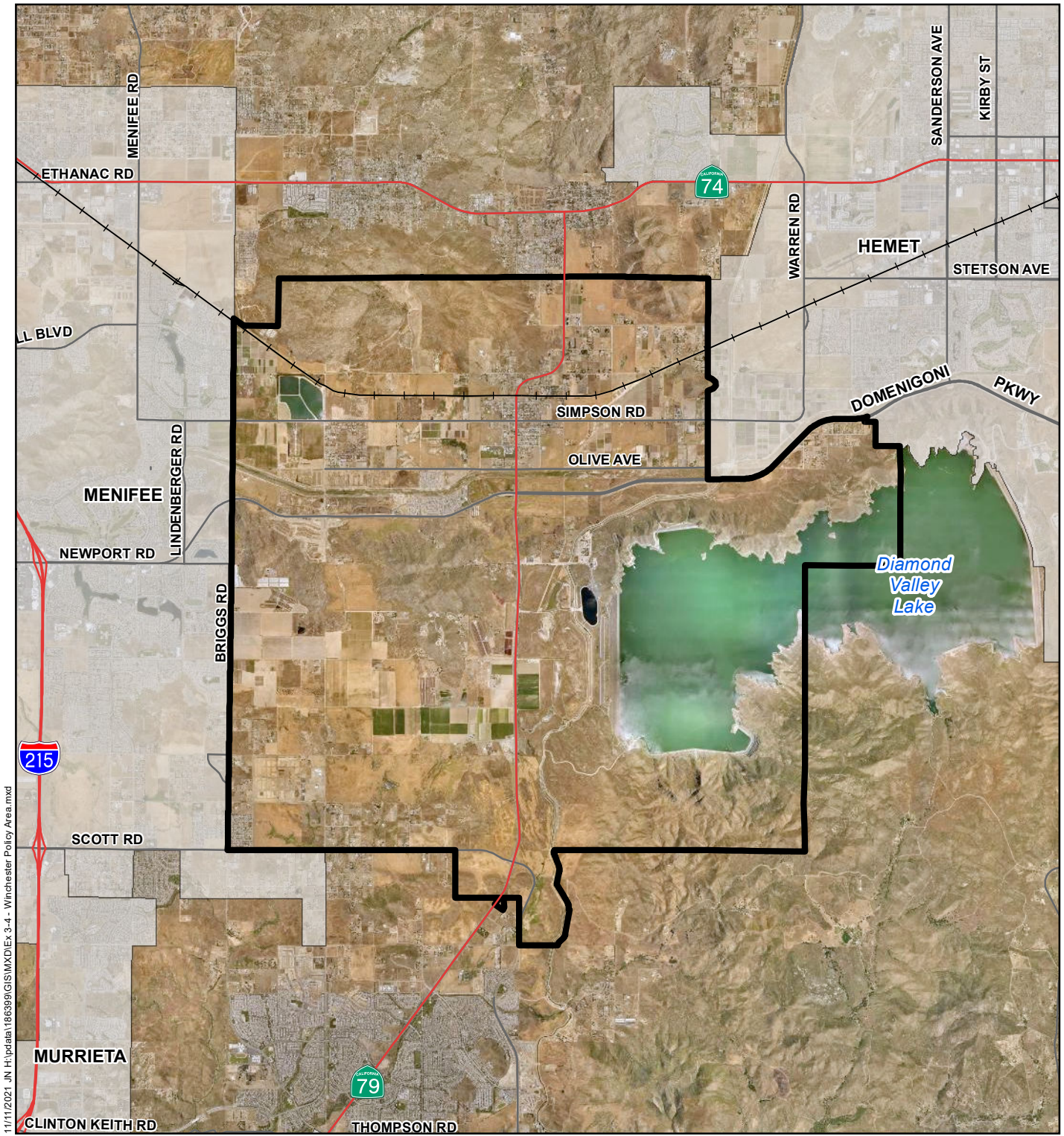
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	Area Plan Boundaries	
	Winchester Downtown Core	
	Proposed Harvest/ Winchester Area Plan Addition	
	Proposed Winchester Policy Area	
	Harvest Valley/ Winchester Area Plan	
	Highway 79 Policy Area	

WINCHESTER POLICY AREA
ENVIRONMENTAL IMPACT REPORT

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



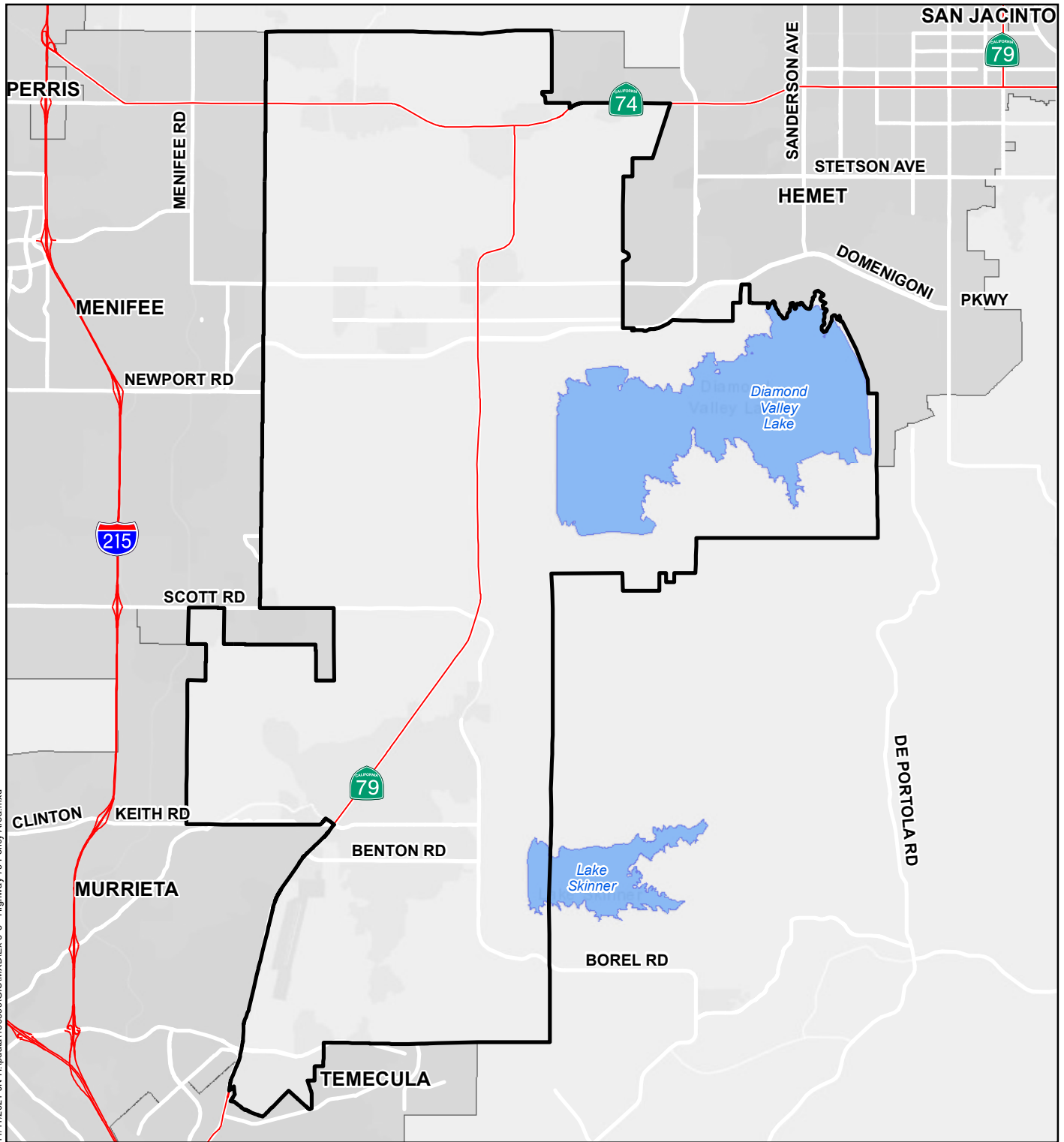
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-  Winchester Policy Area
-  City Boundary



Source: County of Riverside, ESRI

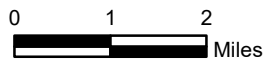
WINCHESTER COMMUNITY PLAN
 ENVIRONMENTAL IMPACT REPORT
Winchester Policy Area



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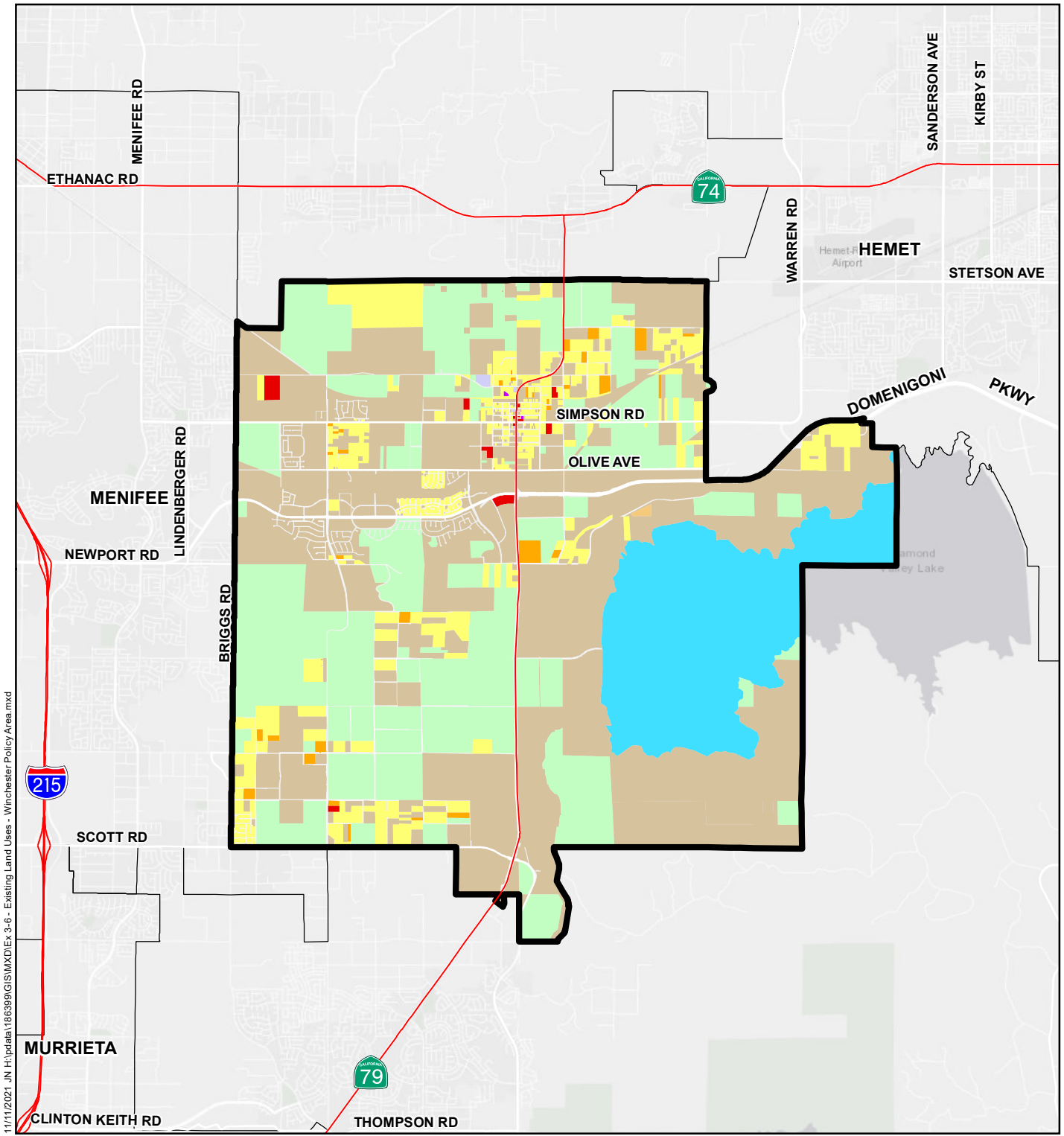
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-  Highway 79 Policy Area
-  City Boundary



Source: County of Riverside, ESRI

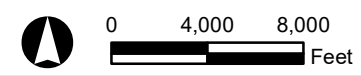
WINCHESTER COMMUNITY PLAN
 ENVIRONMENTAL IMPACT REPORT
Highway 79 Policy Area



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Legend

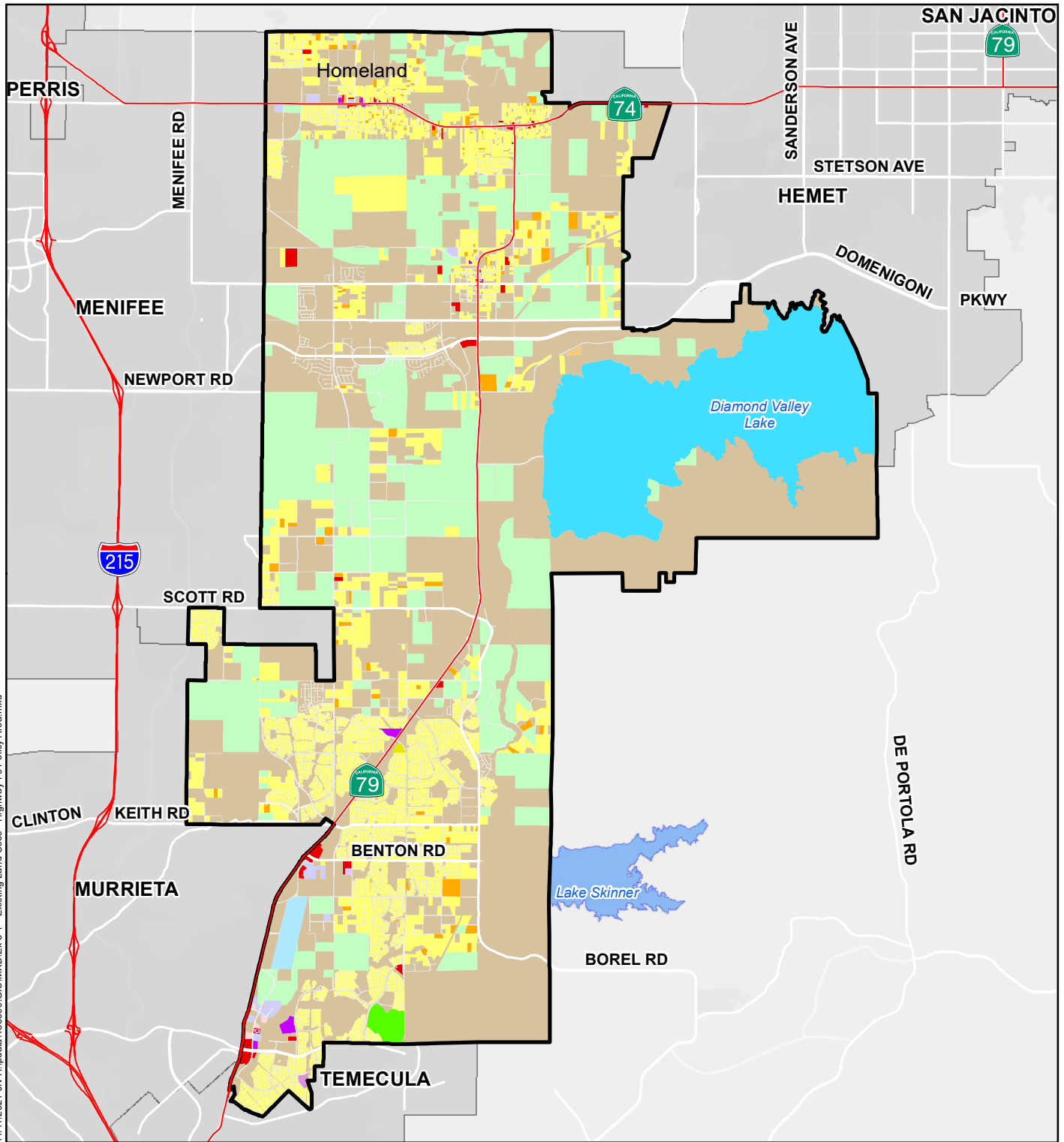
Winchester Policy Area	Agriculture	Commercial	Utility
City Boundary	Single-Family Residential	Office	Vacant
	Medium Density Residential	Light Industrial	Cemetary
	Multi-Family Residential	Religious	Water



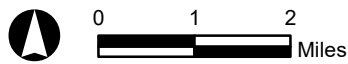
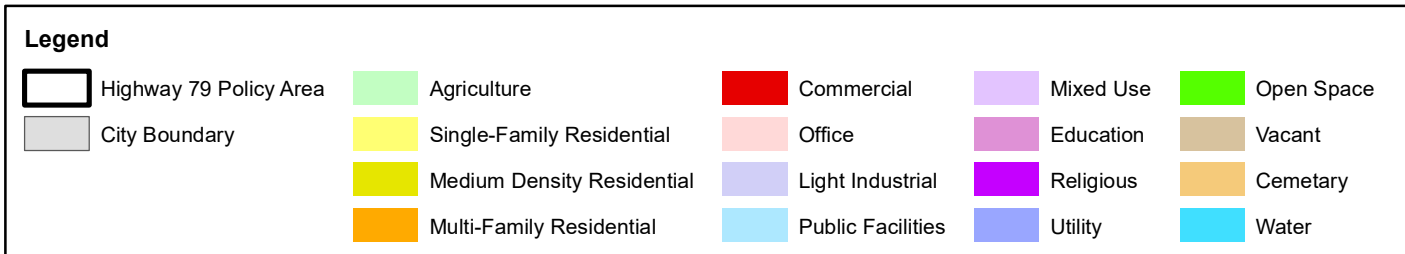
Source: County of Riverside, ESRI

WINCHESTER COMMUNITY PLAN
ENVIRONMENTAL IMPACT REPORT

Existing Land Uses – Winchester Policy Area



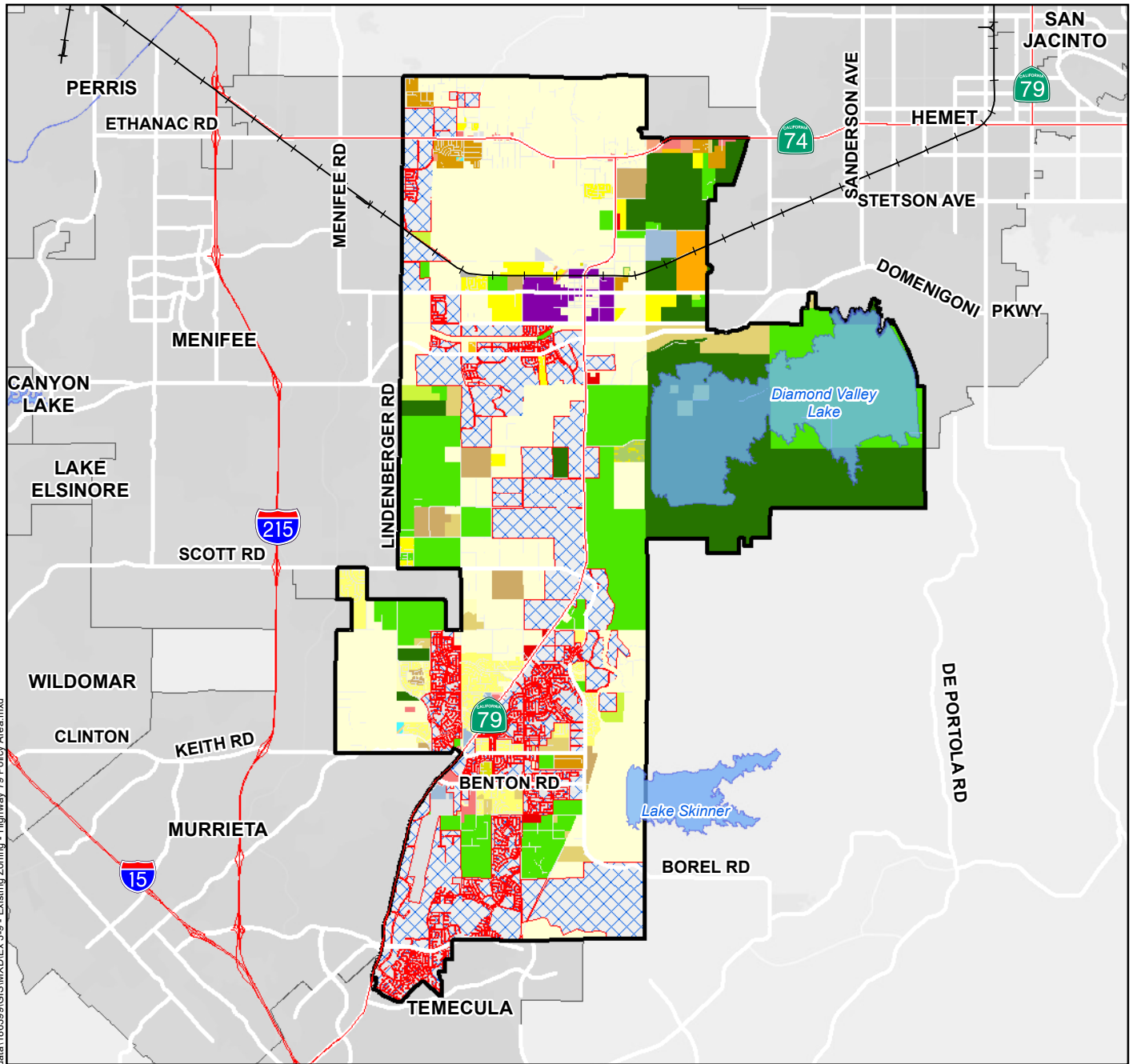
11/11/2021 JN H:\pda\186399\GIS\MXD\EX-3-7 - Existing Land Uses - Highway 79 Policy Area.mxd



Source: County of Riverside, ESRI

Existing Land Uses – Highway 79 Policy Area

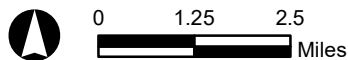
WINCHESTER COMMUNITY PLAN
ENVIRONMENTAL IMPACT REPORT



11/11/2021, 11:41:00 AM, H:\pdata\186399\GIS\MXD\Ex 3-9 - Existing Zoning - Highway 79 Policy Area.mxd

Legend

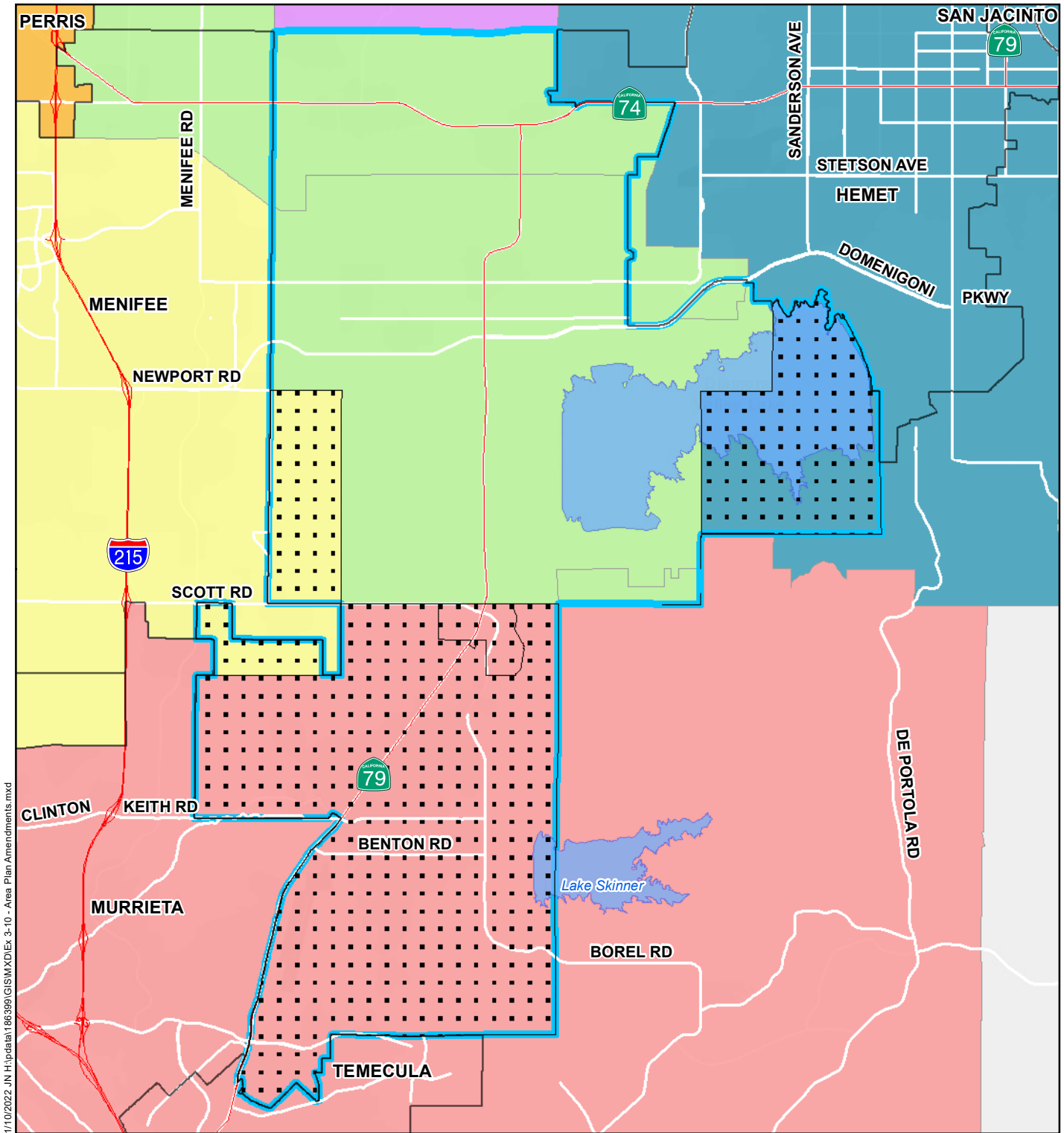
- | | | |
|--|---|--|
| Highway 79 Policy Area | One-Family Dwellings (R-1) | Agriculture, Poultry (A-P) |
| City Boundary | Multiple-Family Dwellings (R-2) | Rural Residential (R-R, R-2 1/2) |
| Commercial Office (C-O) | General Residential (R-3) | Rural Residential (R-R) |
| General Commercial (C-1, 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

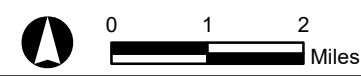
WINCHESTER POLICY AREA
ENVIRONMENTAL IMPACT REPORT

Existing Zoning – Highway 79 Policy Area



1/10/2022 J:\H:\p\data\186399\GIS\MapXD\Ex 3-10 - Area Plan Amendments.mxd

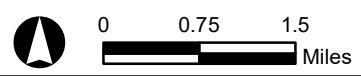
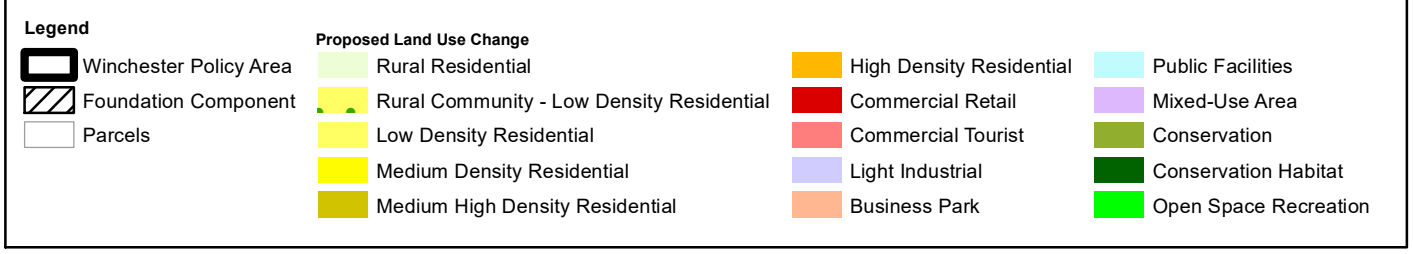
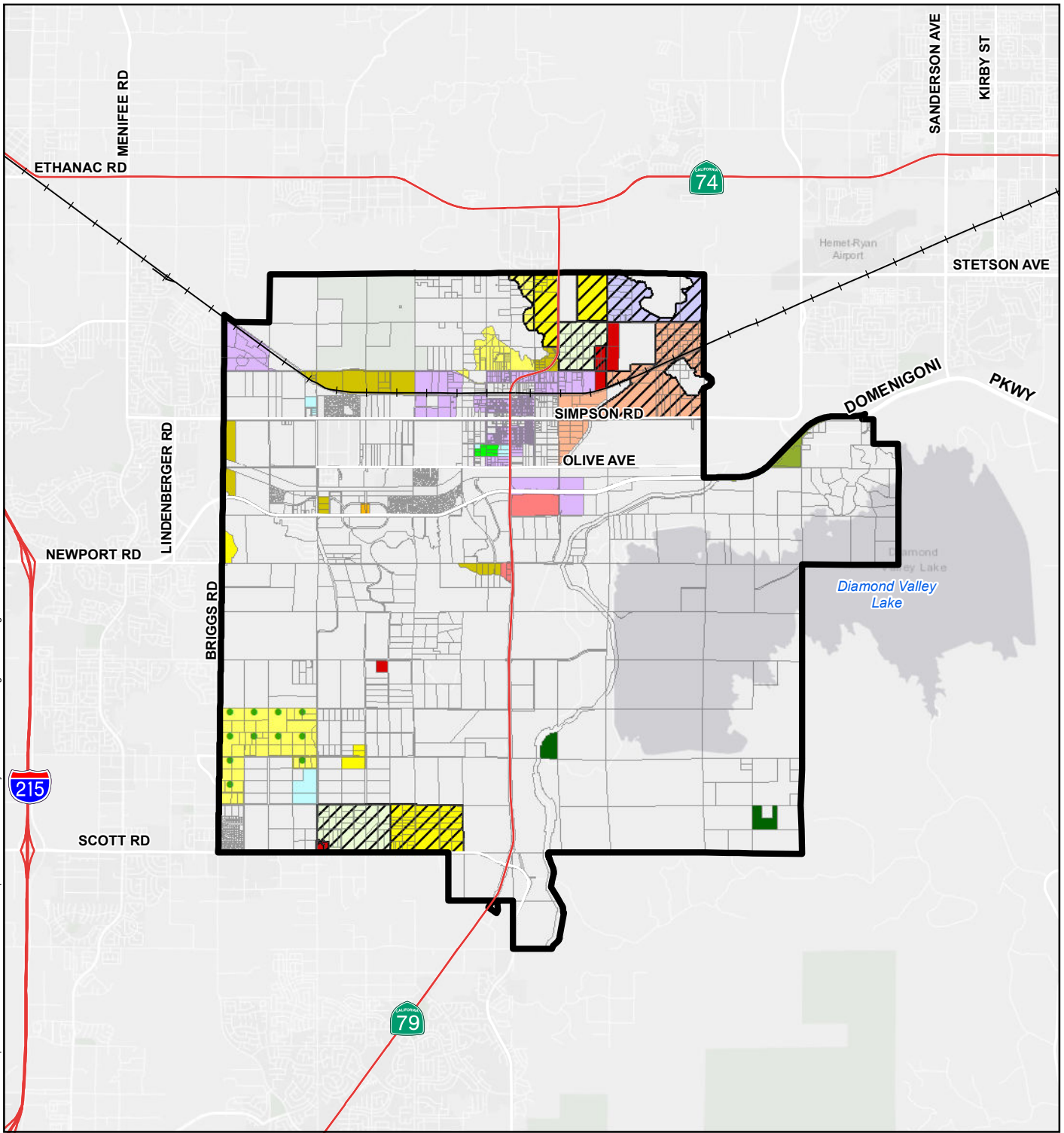
Legend		Area Plan Boundaries	
	Winchester Community Plan Area		Harvest Valley / Winchester
	City Boundary		Lakeview / Nuevo
	Waterbodies		Mead Valley
			San Jacinto Valley
			Southwest Area
			Sun City / Menifee Valley
			Areas added to the Winchester Community Plan



Source: County of Riverside, ESRI

WINCHESTER COMMUNITY PLAN
 ENVIRONMENTAL IMPACT REPORT
Area Plan Amendments

11/11/2021 JN H:\pdata\186399\GIS\MXD\Ex 3-11 - Proposed Winchester Policy Area Land Use Designation Changes.mxd



Source: County of Riverside, ESRI

WINCHESTER COMMUNITY PLAN
 ENVIRONMENTAL IMPACT REPORT
 Proposed Winchester Policy Area
 Land Use Designation Changes



4.0 ENVIRONMENTAL ANALYSIS

The following subsections of the EIR contain a detailed environmental analysis of the existing conditions, project impacts (including direct and indirect, short-term, long-term, and cumulative impacts), recommended mitigation measures, and unavoidable significant impacts, if any. The EIR examines environmental factors outlined in Appendix G of the State CEQA Guidelines, Environmental Checklist Form, as follows:

4.1	Aesthetics	4.11	Land Use Planning
4.2	Agricultural Resources	4.12	Mineral Resources
4.3	Air Quality	4.13	Noise and Vibration
4.4	Biological Resources	4.14	Population and Housing
4.5	Cultural Resources	4.15	Public Services
4.6	Energy	4.16	Recreation
4.7	Geology and Soils	4.17	Transportation
4.8	Greenhouse Gas Emissions	4.18	Tribal Cultural Resources
4.9	Hazards and Hazardous Materials	4.19	Utilities and Service Systems
4.10	Hydrology and Water Quality	4.20	Wildfire

Each environmental issue is addressed in a separate section of the EIR and is organized into seven subsections, as follows:

“Existing Setting” describes the physical conditions that exist at the present time of issuance of the Notice of Preparation (NOP) and that may influence or affect the issue under investigation.

“Regulatory Setting” lists and discusses the laws, ordinances, regulations, and standards that apply to the project, as well as those agencies that may have jurisdiction over the project and would be implementing such laws, ordinances, regulations, and standards.

“Impact Thresholds and Significance Criteria” provides the thresholds that are the basis of conclusions of significance, which include the criteria identified by Appendix G of the State CEQA Guidelines (California Code of Regulations, Sections 15000 – 15387).

Primary sources used in identifying the criteria include the State CEQA Guidelines; local, State, Federal, or other standards applicable to an impact category; and officially established significance thresholds. “... An ironclad definition of significant effect is not possible because the significance of any activity may vary with the setting” (State CEQA Guidelines Section 15064[b]). Principally, “... a substantial, or potentially substantial, adverse change in any of the



physical conditions within an area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance” constitutes a significant impact (State CEQA Guidelines Section 15382).

“Impacts and Mitigation Measures” describes potential environmental changes to the existing physical conditions, which may occur if the proposed project is implemented. Evidence, based on factual and scientific data, is presented to show the cause and effect relationship between the proposed project and the potential changes in the environment. The exact magnitude, duration, extent, frequency, range, or other parameters of a potential impact are ascertained, to the extent possible, to determine whether impacts may be significant; all of the potential direct and reasonably foreseeable indirect effects are considered.

Impacts are generally classified as potentially significant impacts, less than significant impacts, or no impact. The “Level of Significance After Mitigation” identifies the impacts that would remain after the application of mitigation measures, and whether the remaining impacts are or are not considered significant. When these impacts, even with the inclusion of mitigation measures, cannot be mitigated to a level considered less than significant, they are identified as “unavoidable significant impacts.”

“Mitigation Measures” are measures that would be required of the project to avoid a significant adverse impact; to minimize a significant adverse impact; to rectify a significant adverse impact by restoration; to reduce or eliminate a significant adverse impact over time by preservation and maintenance operations; or to compensate for the impact by replacing or providing substitute resources or environment. Mitigation Measures, if they are applicable, would apply to future implementing projects as well.

“Significant Unavoidable Impacts” describes impacts that would be significant, and cannot be feasibly mitigated to less than significant, so would therefore be unavoidable. To approve a project with unavoidable significant impacts, the lead agency must adopt a Statement of Overriding Considerations. In adopting such a statement, the lead agency is required to balance the benefits of a project against its unavoidable environmental impacts in determining whether to approve the project. If the benefits of a project are found to outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable” (State CEQA Guidelines Section 15093[a]).

“Cumulative Impacts” describes potential environmental changes to the existing physical conditions that may occur as a result of the proposed project together with all other reasonably foreseeable, planned, and approved future projects producing related or cumulative impacts.



4.1 AESTHETICS

This section assesses the potential for aesthetic impacts using accepted methods of evaluating visual quality, as well as identifying the type and degree of change the proposed project would likely have on the character of the landscape. The analysis in this section is primarily based on information provided by the County as well as the following sources:

Winchester Policy Area Design Guidelines

- County of Riverside General Plan
- County of Riverside Draft Environmental Impact Report No. 521 (Draft EIR No. 521)
- Harvest Valley/Winchester Area Plan (HVWAP)

4.1.1 EXISTING SETTING

VISUAL CHARACTER/QUALITY

The northern portion of the project area primarily consists of vacant undeveloped parcels and agricultural uses with the exception of limited residential and commercial uses which are generally located along State Route 79 (SR-79) and State Route 74 (SR-74). Overall, this area is characterized by small homes on large parcels and agricultural uses that surround the Western-themed commercial core at the intersection of Winchester Road (SR-79) and Simpson Road. 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 3-2, *Local Vicinity*](#).

The project area is part of a system of broad, sweeping valleys and is framed by the Meniffee Valley to the west and the 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. The 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.

SCENIC VISTAS AND SCENIC RESOURCES

According to the Riverside County General Plan Multipurpose Open Space Element, scenic resources are an important quality of life component for residents of Riverside County. In general, scenic resources include areas that are visible to the general public and considered visually attractive. Scenic resources include natural landmarks and prominent or unusual features of the



4.1 Aesthetics

landscape. Scenic backdrops include hillsides and ridges that rise above urban or rural areas or highways.

The HVWAP identifies several unique features associated with the project area that could be considered scenic resources. The ridgelines associated with the project area's several mountain ranges and hillsides are identified as important character-enhancing visual resources for the project area. In particular, the Lakeview Mountains are identified as a valuable scenic backdrop based on their large rock outcroppings and boulders. Unique features such as Double Butte, the dual peaked mountain centrally located between Winchester and Homeland, the Dawson Mountains that create the southern wall of the Diamond Valley Lake, and the hilltop area of the Diamond Valley Reservoir West Dam area are also identified as scenic resources. Open space areas within the project area are also called out as a scenic background for the project area.

Scenic vistas are points, accessible to the general public, that provide a view of the countryside. According to the HVWAP, the open space areas within the project area provide scenic vistas based on the varied topography throughout the project area.

STATE SCENIC HIGHWAYS

There are no officially designated state scenic highways within or near the project area, although State Route 74 is identified as an eligible State scenic highway as it bisects the project area.¹

SCENIC CORRIDORS

Scenic Highways provide the motorist with views of distinctive natural characteristics that are not typical of other areas in Riverside County. According to the HVWAP, Menifee Road is a County Eligible Scenic Highway that runs from SR-74 south out of the planning area eventually connecting with Interstate 215. This road, in addition to SR-74, offer views of the Lakeview and Dawson Mountains and Double Butte.

LIGHT AND GLARE

Lighting effects are associated with the use of artificial light during the evening and nighttime hours. There are two primary sources of light: 1) light emanating from building interiors passing through windows and 2) light from exterior sources (i.e., street lighting, building illumination, security lighting, parking lot lighting, and landscape lighting). Light introduction can be a nuisance to adjacent residential areas, diminish the view of the clear night sky, and if uncontrolled, can cause disturbances. Uses such as residences and hotels are considered light sensitive, since occupants have expectations of privacy during evening hours and may be subject to disturbance by bright light sources. Light spill is typically defined as the presence of unwanted light on properties adjacent to the property being illuminated. With respect to lighting, the degree of illumination may vary widely depending on the amount of light generated, height of

¹ California Department of Transportation, *California State Scenic Highway System Map*, <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>, accessed October 27, 2021.



4.1 Aesthetics

the light source, presence of barriers or obstructions, type of light source, and weather conditions.

Glare is primarily a daytime occurrence caused by the reflection of sunlight or artificial light by highly polished surfaces such as window glass or reflective materials and, to a lesser degree, from broad expanses of light-colored surfaces. Perceived glare is the unwanted and potentially objectionable sensation as observed by a person as they look directly into the light source of a luminaire. Daytime glare generation is common in urban areas and is typically associated with buildings with exterior facades largely or entirely comprised of highly reflective glass. Glare can also be produced during evening and nighttime hours by the reflection of artificial light sources such as automobile headlights. Glare-sensitive uses include residences, hotels, transportation corridors, and aircraft landing corridors.

Glare can also be produced during evening and nighttime hours by reflection of artificial light sources, such as automobile headlights. Glare is typically related to either moving vehicles or sun angles, although glare resulting from reflected sunlight can occur regularly at certain times of the year. Glare-sensitive uses generally include surrounding travelers utilizing the adjacent roadways.

Currently, light and glare sources are present within the project area, with a larger concentration of light emitting uses (i.e., residential uses) within the southern extent of the project area. Existing sources of nighttime lighting include the various residential uses distributed throughout the project area, vehicle headlights from traffic along Highway 74, Highway 79, and other major roadways within the project area, as well as traffic signal lighting occurring at the project's intersections. Additionally, nighttime lighting associated with airport, roadway, parking lot, and security lighting occurs throughout the project area. Sources of glare include industrial and warehousing structures, as well as the French Valley Airport airport-related facilities, and residential development.

4.1.2 REGULATORY SETTING

FEDERAL LEVEL

No federal laws, ordinances, or regulations pertaining to aesthetics apply to the project.

STATE LEVEL

No State laws, ordinances, or regulations pertaining to aesthetics apply to the project.

LOCAL LEVEL

County of Riverside General Plan

The following policies contained in the County of Riverside General Plan Multipurpose Open Space Element are applicable to the project in regard to aesthetics:

OS 21.1 Identify and conserve the skylines, view corridors, and outstanding scenic vistas within Riverside County. (AI 79)



4.1 Aesthetics

- OS 22.1 Design developments within designated scenic highway corridors to balance the objectives of maintaining scenic resources with accommodating compatible land uses. (AI 3)
- OS 22.2 Study potential scenic highway corridors for possible inclusion in the Caltrans Scenic Highways Plan.
- OS 22.3 Encourage joint efforts among federal, state, and county agencies, and citizen groups to ensure compatible development within scenic corridors.
- OS 22.4 Impose conditions on development within scenic highway corridors requiring dedication of scenic easements consistent with the Scenic Highways Plan, when it is necessary to preserve unique or special visual features. (AI 3)
- OS 22.5 Utilize contour grading and slope rounding to gradually transition graded road slopes into a natural configuration consistent with the topography of the areas within scenic highway corridors.

Harvest Valley/Winchester Area Plan

The following policies contained in the Harvest Valley/Winchester Area Plan are applicable to the project in regard to aesthetics:

- 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 6.1 Development of the hilltop area shall be designed to maintain the scenic value of the hill, avoiding slope scarring.
- HWAP 9.1 Adhere to the lighting requirements specified in 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.
- HWAP 9.1 Require development to adhere to standards detailed in the Design Standards and Guidelines for Development in the Third and Fifth Supervisorial Districts.
- HWAP 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.
- HWAP 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.

Riverside County Ordinances

The following Riverside County Ordinances contain regulations and policies that are intended to protect existing aesthetic and visual resources within Riverside County.

Ordinance No. 655, *Regulating Light Pollution*: the intent of this ordinance is to restrict the permitted use of certain light fixtures emitting into the night sky undesirable light rays which have a detrimental effect on astronomical observation and research. Ordinance 655 defines the zones where light pollution could impact Palomar Observatory: Zone A is within 15 miles; Zone B is between 15 and 45 miles of the observatory. The project area is in Zone B.

Ordinance No. 915, *Regulating Outdoor Lighting*: the intent of this ordinance is to establish a countywide standard for outdoor lighting that would generally prohibit light trespass and protect the health, property, and well-being of residents within the unincorporated Riverside County. This ordinance will regulate light trespass in those areas that fall outside of the 45-mile radius of Ordinance No. 655, mentioned above. Ordinance No. 915 requires all outdoor lights to be adequately shielded and directed such that no direct light falls outside the parcel of origin or onto public rights-of-way.

Ordinance No. 460, *Regulating the Division of Land* and Ordinance No. 461, *Road Improvement Standards and Specifications*: The road standards provided in Ordinance No. 461 conform to the Circulation Element of the General Plan for the purpose of establishing proper standards, specifications and directions for design and construction of any road or other land division improvements required in the unincorporated territory of Riverside County. In regulating road rights-of-way, Ordinance No. 461 requires that the rights-of-way be kept clear for the traveling public, subsequently protecting the visual aspects of scenic highways. Ordinance No. 460 regulates the division of land for unincorporated Riverside County including the necessary improvements associated with the division of land. As such, the ordinance promotes maintaining visual resources by requiring that subdivisions comply with “Street Tree” provisions as well as installation requirements for electrical and communication facilities, specifically when located near scenic highways. Together, Ordinance No. 460 and Ordinance No. 461 aid in the preservation and protection of existing aesthetic and visual resources while also potentially adding new visual resources to Riverside County when street trees are required.

Ordinance No. 348, *Land Use*: Riverside County’s Land Use Ordinance establishes allowable uses of land and sets standards for what and how land may be developed. The ordinance protects the people and property of Riverside County from development of unsuitable land uses and aims to ensure that built areas are developed safely and with minimal conflict with surrounding lands. Regarding Aesthetics and Visual Resources, Ordinance No. 348 specifically requires that all Wind Energy Conversion Systems (WECS) maintain specific setbacks from all State or County eligible or designated scenic highways, thereby reducing potential adverse impacts to scenic highways. The setback distance is determined by the actual location of the highway. Ordinance No. 348 also identifies requirements for landscaping associated with



4.1 Aesthetics

development proposals. The landscaping of development projects enhances the visual character and aesthetic quality of a site and its surroundings.

Ordinance No. 457, *Building Codes and Fees Ordinance*: This ordinance regulates grading, buildings, and structures within Riverside County. Regarding Aesthetics and Visual Resources, Ordinance No. 457 enhances the existing visual character and aesthetic quality of development sites and the surrounding areas by requiring development projects that involve cut and fill slopes of particular vertical heights to be landscaped in order to provide proper erosion control measures. Erosion control landscaping plans must be submitted to and approved by the Riverside County Building and Safety Department prior to installation. Landscaping the slopes provides stability for the slope while also providing aesthetic enhancements to the site and surrounding area as well.

Countywide Design Standards & Guidelines

The Countywide Design Standards and Guidelines for the County of Riverside provides the baseline criteria, in which to measure and to evaluate residential design, residential street design, and landscape street design. 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.

To successfully shape the County's future, piecemeal regulations must be replaced by overall strategies, guidelines, and standards that maintain base values and promote connectivity. Design strategies have been developed to provide for the continuous evolution of urban and rural form consistent with the sense of knowing where one is, the enjoyment in moving through urban/rural environments and providing the opportunity to experience physical and visual variety and diversity throughout the County. Enhancing community edges, landmarks, districts, nodes, and paths can strengthen the physical and visual experiences creating this composite image of Riverside County.

4.1.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the State CEQA Guidelines contains the Environmental Checklist form used during preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- Have a substantial adverse effect on a scenic vista (refer to Impact Statement AES-1);
- Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway (refer to Impact Statement AES-2);
- In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the



4.1 Aesthetics

project conflict with applicable zoning and other regulations governing scenic quality? (refer to Impact Statements AES-3); and/or

- Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area (refer to Impact Statement AES-4).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

4.1.4 IMPACTS AND MITIGATION MEASURES

SCENIC VIEWS AND VISTAS

AES-1 PROJECT IMPLEMENTATION COULD HAVE A SUBSTANTIAL ADVERSE IMPACT ON A SCENIC VIEW OR VISTA.

Impact Analysis

Scenic Views

As previously noted, the project area affords partial or full views of several unique features that could be considered scenic resources. The ridgelines associated with several mountain ranges and hillsides within the project area are identified as important character-enhancing visual resources. In particular, the Lakeview Mountains are identified as a valuable scenic backdrop based on their large rock outcroppings and boulders. Unique features such as Double Butte, the dual peaked mountain centrally located between Winchester and Homeland, the Dawson Mountains that create the southern wall of the Diamond Valley Lake, and the hilltop area of the Diamond Valley Reservoir West Dam area are also identified as scenic resources. Open space areas within the project area are also identified as a scenic background for the project area. Distant views of these scenic resources can be experienced from many portions of the project site and by motorists, pedestrians, and bicyclists traveling along local roadways on-site and within the project vicinity.

Project implementation would increase residential densities and non-residential land use intensities in specific areas, which may occur in proximity to designated scenic views and vistas. However, 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. Building massing, height limitations, and setback requirements included in the Design Guidelines would preserve identified scenic views and vistas within the project area. Further, the proposed revisions to the HVWAP for the Winchester Policy Area include several new and revised policies that would preserve and enhance scenic vistas and viewpoints. HVWAP 8.07 would ensure new development within



Winchester Policy Area Neighborhoods is compatible with adjacent uses. HVWAP 8.11 would encourage compatible, low profile uses within the Winchester Policy Area Neighborhoods to ensure appropriate transitions and buffering between differing land use types, such as open space uses that contain scenic resources. HVWAP 8.16 would require that utilities are undergrounded within the Winchester Policy Area Neighborhoods to protect public views of scenic resources. HVWAP 8.21 and 8.24 would require all development projects within Winchester Policy Area Neighborhoods and Neighborhood 9 – Winchester Road/Newport Road to be subject to applicable hillside management requirements and standards. 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. Impacts to scenic resources would be less than significant in this regard and would likely reduce overall impacts to such resources.

Scenic Vistas and Corridors

As discussed, scenic vistas within the project area are primarily associated with open space areas based on the varied topography throughout the project area. In addition, Menifee Road is a County Eligible Scenic Highway that runs from SR-74 south out of the planning area eventually connecting with Interstate 215. This road, in addition to SR-74, offer views of scenic resources including the Lakeview and Dawson Mountains and Double Butte.

The land use changes proposed as part of the project would result in a surplus of open space uses as compared to existing conditions; refer to Exhibit 3-1, Proposed General Plan Land Use Changes. Thus, the project would not impact scenic vistas associated with open space areas, as additional scenic vistas would be afforded based on the addition of new open space land uses. To protect views of scenic resources as experienced from Menifee Road and SR-74, future development activities would be reviewed against Ordinance No. 461 to ensure conformance with General Plan Circulation Element standards, specifications and directions for design and construction of any road or other land division improvements required in the unincorporated territory of Riverside County. In regulating road rights-of-way, Ordinance No. 461 requires that the rights-of-way be kept clear for the traveling public, and would thereby protect views of scenic resources as experienced from Menifee Road and SR-74. Impacts to scenic vistas would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.



STATE SCENIC HIGHWAYS

AES-2 PROJECT IMPLEMENTATION COULD SUBSTANTIALLY DAMAGE SCENIC RESOURCES, INCLUDING BUT NOT LIMITED TO TREES, ROCK OUTCROPPINGS, AND HISTORIC BUILDINGS WITHIN A STATE SCENIC HIGHWAY.

Impact Analysis

There are no State-designated scenic highways within the project area. As discussed above in [Section 4.1.1](#), SR-74 is eligible for the State Scenic Highway System but is not officially designated as a State scenic highway. See [Section 4.1.1](#) for a detailed discussion of impacts to scenic resources above. Therefore, no impacts would occur.

Mitigation Measures: No mitigation measures are required.

Level of Significance: No Impact.

VISUAL CHARACTER/QUALITY

AES-3 IMPLEMENTATION OF THE PROPOSED PROJECT COULD SUBSTANTIALLY DEGRADE THE EXISTING VISUAL CHARACTER OR QUALITY OF PUBLIC VIEWS OF THE SITE AND ITS SURROUNDINGS.

Impact Analysis

Short-Term Impacts

Short-term construction-related activities associated with the proposed project would temporarily alter the existing visual character of the project site and surrounding area. The visual impact associated with construction activities would involve graded surfaces, construction materials, equipment, and truck traffic. Soil would be stockpiled and equipment for grading activities would be staged at various locations. In addition, temporary structures could be located on-site during various stages of construction. Materials storage areas and/or construction debris piles may be visible at staging areas. These construction activities and equipment could temporarily degrade the existing visual character and quality of the project area during the construction phase.

Future construction staging and parking areas would occur within the boundaries of the project area. Views of the construction activities and staging areas on the project site could be visible from surrounding residential uses, as well as pedestrians, motorists, and bicyclists traveling along roadways on-site and adjoining the project site. However, with implementation of Mitigation Measure AES-1, equipment staging areas would include appropriate screening (i.e., temporary fencing with opaque material) and would reduce views toward construction staging areas, to the extent feasible. Moreover, development areas would vary such that areas of temporary construction-related visual impacts would change depending upon the location of development within the project area. With implementation of Mitigation Measure AES-1, potential construction-related visual impacts would be reduced to less than significant levels.



Long-Term Impacts

The visual analysis of a project must consider its visual quality and compatibility in consideration of the area's visual sensitivity. The following analysis evaluates the project for compatibility with the character of the surrounding land uses, in consideration of the following visual elements:

- Architectural features (e.g., repetition of design elements: materials, texture, colors, form, type of construction, details, and building systems);
- Scale and Height (e.g., size/height relationships between adjacent buildings, and between buildings and adjacent open spaces); and
- Property setbacks (e.g., setbacks providing distance and/or a visual buffer between the project site and receptors).

As discussed above in [Section 4.1.1, *Environmental Setting*](#), the northern portion of the project area primarily consists of vacant undeveloped parcels and agricultural uses with the exception of limited residential and commercial uses which are generally located along SR-79 and SR-74. Overall, this area is characterized by small homes on large parcels and agricultural uses that surround the Western-themed commercial core at the intersection of Winchester Road (SR-79) and Simpson Road. 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 3-2](#).

Project implementation could increase residential densities and non-residential land use intensities in specific areas and therefore could impact the visual character or quality of public views of the project area and its surroundings. However, 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. Building massing, height limitations, and setback requirements included in the Design Guidelines would preserve and enhance visual character and quality of the project area. Further, the proposed revisions to the HVWAP for the Winchester Policy Area include several new and revised policies that would preserve and enhance visual character and quality. HVWAP 3.02 would see that all development within the Winchester Policy Area is designed with a western theme. HVWAP 3.03 proposes the preparation of a master plan or a specific plan to guide the pattern and form of new development for the entire Community Center Overlay land use designation. HVWAP 8.07 would ensure new development within Winchester Policy Area Neighborhoods is compatible with adjacent uses. HVWAP 8.11 would encourage compatible, low profile uses within the Winchester Policy Area Neighborhoods to ensure appropriate transitions and buffering between differing land use types, such as open space uses that contain scenic resources. HVWAP 8.1 would ensure different wall textures, colors, architectural elements/features, and landscaping that are compatible with the proposed project/development are implemented for perimeter and screening walls within the Winchester Policy Area Neighborhood. HVWAP 8.16 would require that utilities are undergrounded in within Winchester Policy Area Neighborhoods to protect public views of scenic resources. HVWAP 8.21 and 8.24



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would require all development projects within Winchester Policy Area Neighborhoods and Neighborhood 9 – Winchester Road/Newport Road to be subject to applicable hillside management requirements and standards where applicable. 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 and quality of the community. Impacts to visual character and quality would be less than significant in this regard.

Mitigation Measures:

AES-1 Construction equipment staging areas shall be screened (i.e., temporary fencing with opaque material) to buffer views of construction equipment and material, when feasible. Staging locations shall be approved by the County of Riverside Planning Department and indicated on Final Grading and Building Plans.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

LIGHTING

AES-4 IMPLEMENTATION OF THE PROPOSED PROJECT WOULD NOT CREATE A NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE, WHICH WOULD ADVERSELY AFFECT DAY OR NIGHTTIME VIEWS IN THE AREA.

Impact Analysis

Short-Term Impacts

Construction activities are anticipated to occur primarily during the daytime hours. All construction activities associated with future development would be subject to compliance with Riverside County Ordinance No. 847, *Regulating Noise*. Pursuant to Ordinance No. 847, construction activity located within one-quarter of a mile from an inhabited dwelling would be limited to the hours between 6:00 a.m. and 6:00 p.m., June through September, and 7:00 a.m. and 6:00 p.m., October through May. Light and glare during daytime construction activities would not impact surrounding uses. In the event that construction would require nighttime lighting for security purposes, the project applicant would be required to comply with Ordinance No. 655, *Regulating Light Pollution*, and Ordinance No. 915, *Regulating Outdoor Lighting*. Ordinance No. 655 defines the zones where light pollution could impact Palomar Observatory and identifies the project area as within Zone B (15 and 45 miles of the observatory). Ordinance No. 655 also restricts the use of certain light fixtures emitting into the night sky undesirable light rays which have a detrimental effect on astronomical observation and research associated with the observatory. Ordinance No. 915 requires all outdoor lights to be adequately shielded and directed such that no direct light falls outside the parcel of origin or onto public rights-of-way. Impacts in this regard would be less than significant.

Long-Term Impacts

Currently, light and glare sources are present within and adjacent to the project area, with a greater concentration of light emitting uses (i.e., residential uses) within the southern extent of the project area. Existing sources of nighttime lighting include the various residential uses



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distributed throughout the project area, vehicle headlights from traffic along Highway 74, Highway 79, and other major roadways within the project area, as well as traffic signal lighting occurring at the project's intersections. Additionally, nighttime lighting associated with airport, roadway, parking lot, and security lighting occurs throughout the project area. Sources of glare include industrial and warehousing structures, as well as the French Valley Airport airport-related facilities, and residential development.

Project implementation could increase residential densities and non-residential land use intensities in specific areas that would introduce new sources of light and glare. Lighting sources associated with future development including street lighting, security lighting, parking lot lighting, lighting associated with the interior of structures, and recreational lighting would generally appear similar in character to the existing developed uses on-site. All future development would be subject to Ordinance No. 655, *Regulating Light Pollution*, and Ordinance No. 915, *Regulating Outdoor Lighting*. The project would retain existing policies within the HWVAP to ensure lighting requirements specified in County Ordinance No. 655 are implemented to limit light leakage and spillage that may interfere with the operations of the Mount Palomar Observatory (HWVAP 9.1). The County of Riverside would continue to evaluate future development proposals for compatibility with Ordinance No. 655, Ordinance No. 915, and HWVAP 9.1 to achieve high quality development and compatibility with adjacent land uses and the overall character of the community. Impacts in this regard would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

4.1.5 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable aesthetics impacts would occur as a result of the proposed project.



4.2 AGRICULTURE AND FORESTRY RESOURCES

This section describes the agricultural and forest resources and potential effects from implementation of the project. Information in this section is based primarily on the following sources:

- *County of Riverside General Plan*
- County of Riverside Environmental Impact Report No. 521 (Draft EIR No. 521)

4.2.1 EXISTING SETTING

EXISTING FARMLAND

Riverside County has large blocks of agricultural land, and includes livestock, agriculture, and aquaculture. The Riverside County Agricultural Commissioner's Office reports that 194,346 acres of farmland were harvested in the County in 2019 (Riverside County Agricultural Commissioner's Office, 2019), which represents approximately 4 percent of the County's total land area of 4,611,840 acres.

As discussed in Section 3.0, the project contains two policy areas: the Winchester Policy Area (PA); and the Highway 79 PA. Of the 23,153-acre Winchester PA, approximately 6,538 acres (28 percent) were utilized as farmland in 2019. Of the approximately 26,908-acre Highway 79 PA, approximately 3,487 acres (13 percent) were utilized as farmland in 2019. As indicated in [Table 3-1](#), 80 acres are designated for agricultural use under existing conditions.

Important Farmlands within the Winchester PA, as determined by the Farmland Mapping and Monitoring Program (FMMP), a State program which produces maps and statistical data used for analyzing impacts on California's agricultural resources, are summarized in [Table 4.2-1, *Important Farmlands within the Winchester Policy Area*](#), and depicted in [Exhibit 4.2-1, *Important Farmlands within the Winchester Policy Area*](#). As indicated in [Table 4.2-1](#), there are approximately 9,889 acres of Important Farmlands within the Winchester Policy Area. It is noted, Important Farmland does not correspond to parcel boundaries, as Important Farmland designations are based on soil type and suitability rather than parcels.

Table 4.2-1: Important Farmlands within the Winchester Policy Area

Important Farmlands Designation	Acres	Percentage of Winchester Policy Area
Prime Farmland	973.11	4.20%
Farmland of Statewide Importance	1,369.17	5.91%
Farmland of Local Importance	7,426.49	32.08%
Unique Farmland	120.10	0.52%
Total	9,889	43%



Important Farmlands within the Highway 79 PA are summarized in [Table 4.2-2, *Important Farmlands within the Highway 79 Planning Area*](#). As indicated in [Table 4.2-2](#), there are approximately 17,345 acres of Important Farmlands within the Highway 79 PA.

Table 4.2-2: Important Farmlands within the Highway 79 Planning Area

Important Farmlands Designation	Acres	Percentage of Highway 79 Policy Area
Prime Farmland	1257.76	2.55%
Farmland of Statewide Importance	1368.37	2.78%
Farmland of Local Importance	14,487.63	29.40%
Unique Farmland	146.62	0.30%
Total	17,345	35.03%

The Winchester PA's existing agricultural zoning is depicted in [Exhibit 3-8, *Existing Zoning - Winchester PA*](#). [Table 4.2-3, *Existing Agricultural Zoning Districts - Winchester PA*](#), summarizes the Winchester PA's existing agricultural zoning and indicates that of the 23,153 acres, approximately 10,451 acres (approximately 45 percent) are agriculturally-zoned.

Table 4.2-3: Existing Agricultural Zoning Districts - Winchester PA

Existing Zoning District	Acres ¹	Percentage of Winchester PA
Agriculture, Poultry and Dairy (A-P, A-D)	314.47	1.36%
Heavy Agriculture (A-2-2 1/2, 2-5, 2-10)	5,490.51	23.71%
Light Agriculture (A-1-2 1/2, 1-5, 1-10, 1-15, 1-20)	3,907.57	16.88%
Residential Agricultural (R-A)	738.21	3.19%
Total	10,451	45%

Note 1: Includes lands within the Highway 79 PA

The Highway 79 PA's existing agricultural zoning is depicted in [Exhibit 3-9, *Existing Zoning - Highway 79 PA*](#). [Table 4.2-4, *Existing Agricultural Zoning Districts - Highway 79 PA*](#), summarizes the Highway 79 PA's existing agricultural zoning and indicates that of the 26,908 acres, approximately 6,926 acres (approximately 26 percent) are agriculturally-zoned.

Table 4.2-4: Existing Agricultural Zoning Districts - Highway 79 PA

Existing Zoning District	Acres ¹	Percentage of Highway 79 PA
Agriculture, Poultry and Dairy (A-P, A-D)	67.15	0.25%
Heavy Agriculture (A-2-2 1/2, 2-5, 2-10)	2,364.49	8.79%
Light Agriculture (A-1-2 1/2, 1-5, 1-10, 1-15, 1-20)	4,209.99	15.65%
Residential Agricultural (R-A)	284.15	1.06%
Total	6,926	26%

Note 1: Includes lands within the Highway 79 PA



EXISTING FORESTRY RESOURCES

Timberland is defined as privately owned land, or land acquired for state forest purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre. There is no land currently designated as timberland within the Winchester or Highway 79 PAs.

4.2.2 REGULATORY SETTING

FEDERAL LEVEL

There are no federal laws, regulations, or orders regarding agriculture and forestry resources relevant to the project.

STATE LEVEL

California Land Conservation Act of 1965 (Williamson Act)

The California Land Conservation Act of 1965 (the Williamson Act, Government Code Sections 51200 through 51297.4) encourages the preservation of agricultural lands through tax incentives due to the increasing trend toward the conversion of agricultural lands to urban uses. The act enables counties and cities to designate agricultural preserves (Williamson Act lands) and within these preserves, offer preferential taxation to agricultural landowners based on the agricultural income producing value of the property. Essentially, this approach ties real estate tax rates to the agricultural value of the land rather than the market rate, which can escalate rapidly as areas around a farm or dairy convert to urban uses. In return for the preferential tax rate, the landowner is required to sign a contract with the county or city agreeing not to develop the land with non-agricultural uses for a minimum of 10 years. On the anniversary, date of the contract it is renewed automatically, unless a notice of non-renewal or petition for cancellation is filed.

State Farmland Mapping and Monitoring Program

The California Department of Conservation (CDC) established the FMMP in 1982. The FMMP is a non-regulatory program and provides a consistent and impartial analysis of agricultural land use and land use changes throughout California. The FMMP produces maps and statistical data used for analyzing impacts on California's agricultural resources. Prime agricultural land is rated according to soil quality and irrigation status and identified by the following categories, collectively referred to as Farmland, Prime Farmland, Unique Farmland, Farmland of Statewide Importance, Farmland of local Importance, Urban and Built-Up Land and Other Land. A description of the category applicable to the project area is as follows:

- *Prime Farmland (P)* – This is the highest category, consisting of land that has physical and chemical features to sustain long-term agriculture. Prime Farmland must have been irrigated agricultural production within four years prior to receiving this designation.
- *Farmland of Statewide Importance (S)* – Similar to Prime Farmland, but with minor issues such as steep slopes or less ability to store soil moisture. Farmland of Statewide Important



must have been used for irrigated agricultural production at some time during the four years prior to receiving the designation.

- Unique Farmland (U) – This category refers to farmland of lesser quality soils used for the production of the State's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to receiving the designation.
- Farmland of Local Importance (L) – Land of importance to the local agricultural economy is determined by each county's board of supervisors and a local advisory committee.
- Grazing Land (G) – This land has existing vegetation suitable for the raising of livestock.
- Urban and Build-Up Land (U) – Non-agricultural land throughout the State. This category refers to land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. This land is used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes
- Other Land (X) - is defined as land not included in any other mapping category. Common examples include low density rural developments, brush, timber, wetland and riparian areas not suitable for livestock grazing, confined livestock, poultry or aquaculture facilities, strip mines, borrow pits, and water bodies smaller than forty acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than forty acres is mapped as Other Land.

State Forest Land Cover Mapping and Monitoring Program

The Land Cover Mapping and Monitoring Program (LCMMP) conducted between 1992 and 2002 by the California Department of Forestry and Fire Protection (CALFIRE) and the United State Department of Agriculture Forest Service Region, for the purpose of enhancing fire protection and natural resource management on public and private lands in California. Remotely sensed data and GIS (geographic information systems) are used to enhance fire protection and natural resource management on public and private lands in California. This program generates data that describes the extent and condition of various land cover types, and the magnitude and cause of land cover changes. The following cover types are assigned to land within the State; Conifer, Mix, Hardwood, Shrub, Grass, Barren, Agriculture, Urban, Ice/Snow.

LOCAL LEVEL

County of Riverside General Plan

Land Use Element

The following policies contained in the County of Riverside General Plan Land Use Element are applicable to the project in regard to agriculture and forestry resources:



LU 20.2, Protect agricultural uses, including those with industrial characteristics (dairies, poultry, hog farms, etc.) by discouraging inappropriate land division in the immediate proximity and allowing only uses and intensities that are compatible with agricultural uses.

Multipurpose Open Space Element

The following policies contained in the County of Riverside General Plan Multipurpose Open Space Element are applicable to the project in regard to agriculture and forestry resources:

OS 7.3, Encourage conservation of productive agricultural lands and preservation of prime agricultural lands.

OS 7.5, Encourage the combination of agriculture with other compatible open space uses in order to provide an economic advantage to agriculture. Allow by right, in areas designated Agriculture, activities related to the production of food and fiber, and support uses incidental and secondary to the on-site agricultural operation.

Harvest Valley/Winchester Area Plan

The following policies contained in the Harvest Valley/Winchester Area Plan are applicable to the project in regard to agriculture and forestry resources:

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

Riverside County Ordinances

The following Riverside County Ordinances are intended to protect the County's existing agricultural and forestry resources:

Ordinance No. 509, *Establishing Agricultural Preserves*: Agricultural preserves are lands identified for, and devoted to, agricultural and compatible uses, and are established through resolutions adopted by the Riverside County Board of Supervisors. The purpose of this ordinance is to ensure that incompatible uses are not allowed within established agricultural preserves. It sets forth the County's powers in establishing and administering agricultural preserves pursuant to the Williamson Act (California Government Code Section 51200, et seq.). The ordinance also establishes "Uniform Rules" for the agricultural and compatible uses allowed in an agricultural preserve. Land uses not covered in the ordinance are prohibited within agricultural preserves.

There are approximately 10,675 acres of Riverside County Agricultural Preserve within the project area, including approximately 5,282 acres within the Winchester PA.

Ordinance No. 625, *Right To Farm*: The purpose of this ordinance is to "conserve, protect and encourage the development, improvement, and continued viability of agricultural land and industries for the long-term production of food and other agricultural products, and for the economic well-being of the county's residents." It seeks to "balance the rights of farmers to produce food and other agricultural products with the rights of non-farmers who own, occupy or use land within or adjacent to agricultural areas." Thus, this ordinance includes regulations to



reduce the loss of agricultural resources in Riverside County by limiting the circumstances under which agricultural operations may be deemed a “nuisance.” It states that an agricultural activity that has been operating for more than three years on a site (and assuming it was not a nuisance at the time it began) cannot be later classed as a public or private nuisance due to “any changed condition in or about the locality.” This prevents, for example, existing dairies from being targeted by odor complaints from residents of housing units constructed in the surrounding area three or more years after the dairy use began. Further, it requires buyers of properties within 300 feet of any land zoned primarily for agricultural purposes to be notified of the pre-existing agricultural use and its right to continue.

Resolution No. 84-526, *Riverside County Rules and Regulations Governing Agricultural Preserves*: These rules and regulations were adopted pursuant to California Government Code Section 51231 to govern agricultural preserve procedures within Riverside County and to aid in Williamson Act implementation. The rules and regulations address procedures for the initiation, establishment, enlargement, disestablishment, and diminishment of agricultural preserves. To protect existing agricultural lands and agricultural preserves within Riverside County, Division VI of the rules require a “Comprehensive Agricultural Preserve Technical Advisory Committee” (CAPTAC) to review and report on land use proposals and applications related to agricultural preserves and advise the Riverside County Board of Supervisors on the administration of agricultural preserves, as well as Williamson Act contract-related matters. In particular, the CAPTAC is charged with reviewing any proposals for the diminishment or disestablishment of an agricultural preserve and providing its recommendations to the Board of Supervisors. Regarding diminishments and disestablishments, the CAPTAC reviews the following findings:

- Whether a notice of nonrenewal has been served pursuant to the Williamson Act, Section 401 of these rules.
- Whether the cancellation is likely to result in the removal of adjacent lands from agricultural use.
- Whether the proposed alternative use of land is consistent with the Riverside County General Plan’s provisions.
- Whether the cancellation will result in discontinuous patterns of urban development.
- Whether there is proximate non-contracted land which is both available and suitable for the use for which the contracted land is being proposed.
- Whether the contracted land’s development would provide more contiguous patterns of urban development than that of proximate non-contracted land.

Ordinance No. 348, *Zoning and Land Use Ordinance*: This ordinance establishes allowable uses of land and sets standards for what and how land may be developed. The County’s zoning is codified in County of Riverside Ordinances Title 17, *Zoning*, while the *Riverside County Land Use Ordinance* is found in Riverside County Ordinances Chapter 17.04. Riverside County Ordinances Chapter 17.12, *Zone Classifications and Districts*, establishes the zones for lands in the County’s unincorporated area for the purpose of providing a uniform basis for zoning.



Notwithstanding, as discussed in the County of Riverside Land Use Ordinance, agricultural uses are permitted to varying degrees in the County's other zoning districts.

The following are the County's agricultural zoning/agricultural use zones:

- A-1, Light agriculture
- A-P, Light agriculture with poultry
- A-2, Heavy agriculture
- A-2, Agriculture, dairy
- C/V, Citrus/vineyard
- C-C/V, Commercial citrus/vineyard

4.2.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the State *CEQA Guidelines* contains the Environmental Checklist form used during preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use (refer to Impact Statement AG-1);
- Conflict with existing zoning for agricultural use, or a Williamson Act contract (refer to Impact Statement AG-2);
- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)) (refer to Impact Statement AG-3);
- Result in the loss of forest land or conversion of forest land to non-forest use (refer to Impact Statement AG-4); and/or
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use (refer to Impact Statement AG-5).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a "less than significant impact" or "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.



4.2.4 IMPACTS AND MITIGATION MEASURES

CONVERSION OF IMPORTANT FARMLAND

AG-1 PROJECT IMPLEMENTATION COULD CONVERT PRIME FARMLAND, UNIQUE FARMLAND, OR FARMLAND OF STATEWIDE IMPORTANCE TO NON-AGRICULTURAL USE.

Impact Analysis

As indicated in [Table 4.2-2](#), there are approximately 17,345 acres of Important Farmland within the Highway 79 PA. However, the project proposes only to remove the Highway 79 PA's residential density restriction, resulting in additional dwelling units on lands already designated for residential development under the current General Plan and the impact was evaluated in the General Plan EIR; see General Plan EIR Impact 4.5.A. Therefore, within the Highway 79 PA, the project would not result in the conversion of Important Farmland to non-agricultural use that was not previously anticipated by the County's General Plan. No new impact would occur in this regard.

As indicated in [Table 4.2-5](#), *Important Farmland Converted – Winchester Policy Area*, there are approximately 9,889 acres of Important Farmland within the Winchester PA. As noted in [Table 4.2-5](#), the Important Farmlands proposed for redesignation within the Winchester PA implementation would convert a total of approximately 814 acres of Important Farmland (684 acres of Prime Farmland, 82 acres of Farmland of Statewide Importance, 40 acres of Farmland of Local Importance, and 7 acres of Unique Farmland) to non-agricultural use, or approximately eight percent of the existing 9,889 total acres. It should be noted that this estimate assumes Winchester PA buildout, although full buildout is unlikely due to market constraints and the large amount of vacant land analyzed.

Table 4.2-5: Important Farmland Converted - Winchester Policy Area

Important Farmland Designation	Important Farmland (Acres)	Proposed for Redesignation (Acres)	Proposed for Redesignation (Percent)
Prime Farmland	973.11	684.29	70
Farmland of Statewide Importance	1,369.17	82.25	6
Farmland of Local Importance	7,426.49	39.98	1
Unique Farmland	120.10	7.39	6
Total (rounded)¹	9,889	814	8%

1. Sums may not total due to rounding

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. To determine the significance of the conversion of future development sites from agricultural to non-agricultural uses, a USDA Natural Resources Conservation Service (NRCS) Farmland Conversion Impact Rating (Form AD-1006) would be required for each development project proposed on Important Farmland. A Land Evaluation and Site Assessment (LESA) would be required using the California Department of Conservation's California Agricultural LESA Model.

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 purposes to be given notice of the preexisting use and its rights to continue.

Nonetheless, project implementation would likely result in the conversion of Important Farmland to non-agricultural use that was not previously anticipated under the current General Plan and the impact was not evaluated in the General Plan EIR. Therefore, a significant unavoidable impact would occur.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Significant and Unavoidable Impact.

WILLIAMSON CONTRACT

AG-2 IMPLEMENTATION OF THE PROJECT COULD CONFLICT WITH EXISTING ZONING FOR AGRICULTURAL USE OR A WILLIAMSON CONTRACT.

Impact Analysis

Within the Highway 79 PA, there are approximately 6,926 acres of agriculturally zoned lands, approximately 3,487 acres of land were utilized as farmland in 2019, and approximately 5,393 acres of Riverside County Agricultural Preserves. Within the Highway 79 PA, the project proposes to remove the residential density restriction, resulting in additional dwelling units on lands already designated/zoned for residential use. Therefore, within the Highway 79 PA, the project would not conflict with existing agricultural zoning, agricultural use, or land within a Riverside County Agricultural Preserve. No impact would occur in this regard.

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 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.

Table 4.2-6: Change in Land Use Designations that Permit Agricultural Uses

General Plan Foundation Component	Area Plan Land Use Designation	Permits Agricultural Uses?	Existing Acres	Proposed Acres	Net
Agriculture	Agriculture (AG)	Yes	80.18	80.18	0.00
Rural	Rural Residential (RR)	Yes	1,173.53	1,122.27	-51.26
	Rural Mountainous (RM)	Yes	1,621.81	1,590.23	-31.58
	Rural Desert (RD)	Yes	0	0.00	0.00
Rural Community	Estate Density Residential (RC-EDR)	Yes	1,424.90	939.85	-485.05
	Very Low Density Residential (RC-VLDR)	Yes	0	0.00	0.00
	Low Density Residential (RC-LDR)	Yes	0	421.44	421.44
Open Space	Conservation (OS-C)	No	N/A		
	Conservation Habitat (OS-CH)	No	N/A		
	Water (OS-W)	No	N/A		
	Recreation (OS-R)	No	N/A		
	Rural (RUR)	No	N/A		
	Mineral Resources (MR)	No	N/A		
Community Development	Estate Density Residential (EDR)	No	741.50	741.50	0.00
	Very Low Density Residential (VLDR)	Yes	313.67	181.71	-131.96
	Low Density Residential (LDR)	Yes	500.11	342.07	-158.04
	Medium Density Residential (MDR)	Yes	4,404.96	3,959.59	-445.37
	Medium High Density Residential (MHDR)	No	N/A		
	High Density Residential (HDR)	No	N/A		
	Very High Density Residential (VHDR)	No	N/A		
	Highest Density Residential (HHDR)	No	N/A		
	Commercial Retail (CR)	No	N/A		
	Commercial Tourist (CT)	No	N/A		
	Commercial Office (CO)	No	N/A		
	Light Industrial (LI)	No	N/A		
	Heavy Industrial (HI)	No	N/A		
	Business Park (BP)	No	N/A		
	Public Facilities (PF)	No	N/A		
	Community Center (CC)	No	N/A		
Mixed Use Planning Area (MUA)	No	N/A			
None	Right-of-way	No	N/A		



General Plan Foundation Component	Area Plan Land Use Designation	Permits Agricultural Uses?	Existing Acres	Proposed Acres	Net
Total			-881.82		

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 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 feasible mitigation, 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

Therefore, conservation easements have been deemed ineffective based on recent caselaw, and no additional project-specific mitigation measures have been identified. Therefore, a significant unavoidable impact would occur.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Significant and Unavoidable Impact.

FORESTLAND/TIMBERLAND

AG-3 PROJECT IMPLEMENTATION COULD CONFLICT WITH EXISTING ZONING FOR, OR CAUSE REZONING OF, FOREST LAND, TIMBERLAND, OR TIMBERLAND ZONED TIMBERLAND PRODUCTION.

Impact Analysis

According to the General Plan, there are no lands within the project site that are zoned forest land, timber land, or timberland production. Because the project site does not contain these lands, the project would not conflict with any existing zoning for forest or timberlands. Additionally, the project would not alter the existing conditions in the project site such that such

¹ King & Gardiner Farms, LLC v. Cnty. of Kern, 45 Cal.App.5th 814, 875 (Cal. Ct. App. 2020)



lands would be specifically converted to other uses. Therefore, no impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: No Impact.

LOSS OF FORESTLAND

AG-4 IMPLEMENTATION OF THE PROJECT COULD RESULT IN THE LOSS OF FOREST LAND OR CONVERSION OF FOREST LAND TO NON-FOREST USE.

Impact Analysis

According to the General Plan, there are no lands within the project area that are zoned forest land, timber land, or timberland production. Because the project site does not contain these lands, the project would not conflict with any existing zoning for forest or timberlands. Additionally, the project would not alter the existing conditions in the project site such that such lands would be specifically converted to other uses. Therefore, no impacts would occur in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: No Impact.

CONVERSION OF FARMLAND OR FORESTLAND

AG-5 PROJECT IMPLEMENTATION COULD INVOLVE OTHER CHANGES IN THE EXISTING ENVIRONMENT WHICH, DUE TO THEIR LOCATION OR NATURE, COULD RESULT IN CONVERSION OF FARMLAND, TO NON-AGRICULTURAL USE OR CONVERSION OF FOREST LAND TO NON-FOREST USE.

Impact Analysis

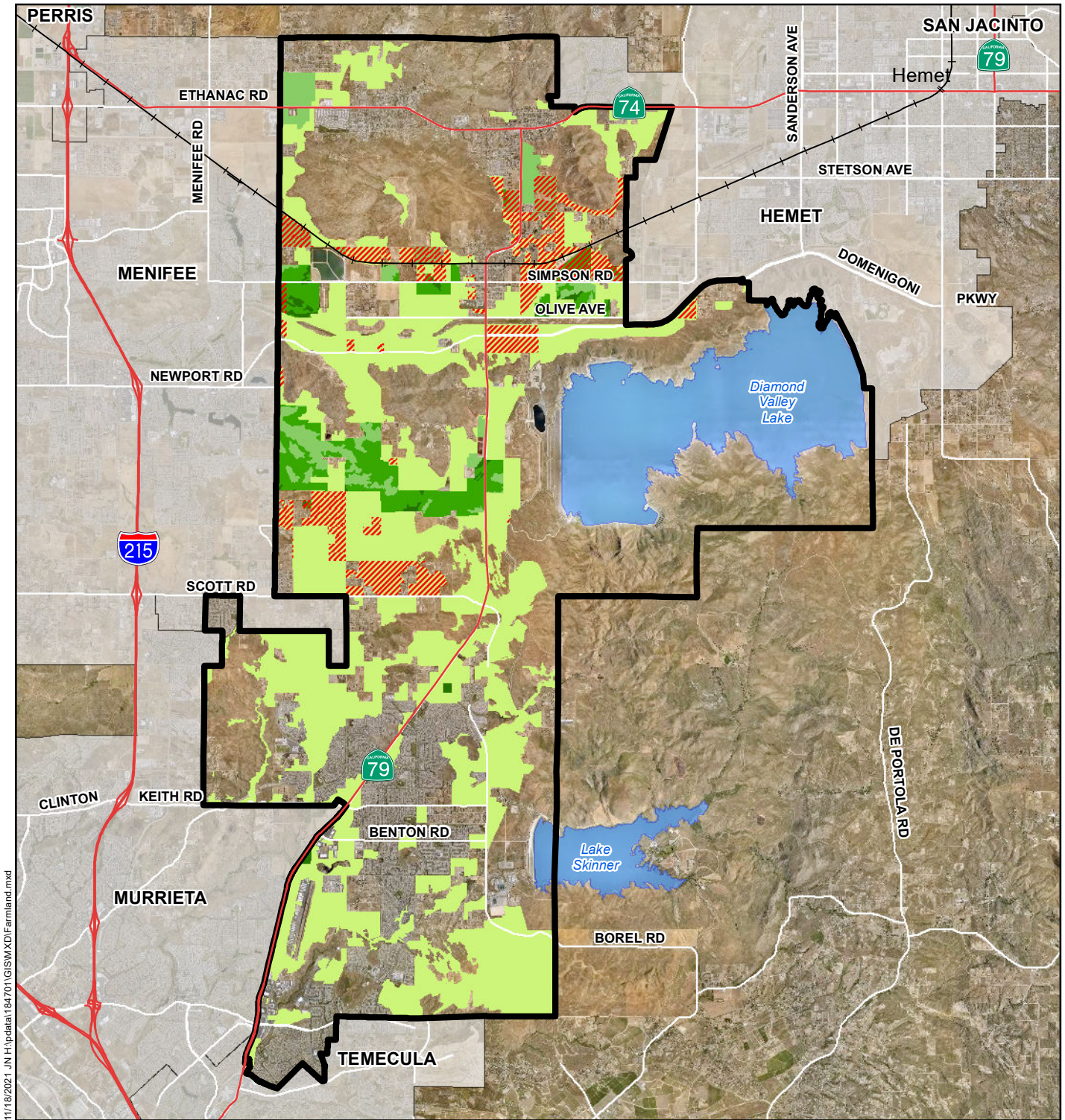
Under the proposed project, future development could occur near agriculturally zoned lands. Refer to Impact Statements AG-1 and AG-5 above. Less than significant impacts would occur.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

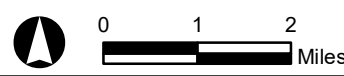
4.2.5 SIGNIFICANT UNAVOIDABLE IMPACTS

Significant unavoidable agriculture impacts would occur as a result of the proposed project with respect to conversion of important farmland and conflicting with existing zoning for agricultural use or a Williamson Contract.



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Legend		
Winchester Community Plan Area	Local Importance	Land Use Leaving Agricultural Use
City Boundary	Prime Farmland	
Waterbodies	Statewide Importance	
	Unique Farmland	



Source: County of Riverside, ESRI

WINCHESTER COMMUNITY PLAN
 ENVIRONMENTAL IMPACT REPORT
Important Farmlands within the Winchester Policy Area



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4.3 AIR QUALITY

The purpose of this section is to describe the existing regulatory setting and environmental conditions concerning air quality, identify potential impacts that could result from project implementation, and as necessary, recommend mitigation to avoid or reduce the significance of impacts. Information in this section is based on the air quality emission modeling results for the project; refer to [Appendix B, *Air Quality and Greenhouse Gas Data*](#).

Information in this section is based primarily on the following sources:

- *County of Riverside General Plan*
- County of Riverside Environmental Impact Report No. 521 (EIR No. 521)

4.3.1 EXISTING SETTING

CLIMATE

The California Air Resources Board (CARB) divides the State into 15 air basins that share similar meteorological and topographical features. The project is within the SCAB, which includes the non-desert portions of Los Angeles, Riverside, and San Bernardino counties, and all of Orange County. The SCAB is on a coastal plain with connecting broad valleys and low hills, bounded by the Pacific Ocean on the southwest and high mountains forming the perimeter's remainder.¹ Air quality in this area is determined by natural factors such as topography, meteorology, and climate, in addition to the presence of existing air pollution sources and ambient conditions. These factors are discussed below, while applicable regulations are discussed above in [Section 4.3.2, *Regulatory Setting*](#).

The SCAB is part of a semi-permanent high-pressure zone in the eastern Pacific. As a result, the climate is mild and tempered by cool sea breezes. This usually mild weather pattern is occasionally interrupted by periods of extreme heat, winter storms, and Santa Ana winds. The annual average temperature throughout the 6,645-square-mile SCAB ranges from low 60 to high 80 degrees Fahrenheit with little variance. With more oceanic influence, coastal areas show less variability in annual minimum and maximum temperatures than inland areas.

Contrasting the steady pattern of temperature, rainfall is seasonally and annually highly variable. Almost all annual rainfall occurs between the months of November and April. Summer rainfall is reduced to widely scattered thundershowers near the coast, with slightly heavier activity in the east and over the mountains.

Although the SCAB has a semiarid climate, the air closer to the Earth's surface is typically moist because of the shallow marine layer's presence. Except for occasional periods when dry, continental air is brought into the SCAB by offshore winds, the "ocean effect" is dominant.

¹ South Coast Air Quality Management District, *CEQA Air Quality Handbook*, 1993.



4.3 Air Quality

Periods of heavy fog are frequent and low clouds known as high fog are characteristic climatic features, especially along the coast. Annual average humidity is 70 percent at the coast and 57 percent in the SCAB's eastern portions.

Wind patterns across the SCAB are characterized by westerly or southwesterly onshore winds during the day and easterly or northeasterly breezes at night. Wind speed is typically higher during the dry summer months than during the rainy winter. Between periods of wind, air stagnation may occur in both the morning and evening hours. Air stagnation is one of the critical determinants of air quality conditions on any given day. During winter and fall, surface high-pressure systems over the SCAB, combined with other meteorological conditions, result in very strong, downslope Santa Ana winds. These winds normally continue for a few days before predominant meteorological conditions are reestablished.

The mountain ranges to the east affect the diffusion of pollutants by inhibiting the eastward transport of pollutants. The SCAB's air quality generally ranges from fair to poor and is similar to air quality in most of coastal Southern California. The entire region experiences heavy concentrations of air pollutants during prolonged periods of stable atmospheric conditions.

In addition to the characteristic wind patterns that affect the rate and orientation of horizontal pollutant transport, two distinct types of temperature inversions control the vertical depth through which air pollutants are mixed. These inversions are the marine inversion and the radiation inversion. The height of the inversion's base at any given time is called the "mixing height." The combination of winds and inversions is a critical determinant leading to the SCAB's highly degraded air quality in the summer and generally good air quality in the winter.

LOCAL AMBIENT AIR QUALITY

CARB monitors ambient air quality at approximately 250 air monitoring stations across the State. These stations usually measure pollutant concentrations ten feet above ground level; therefore, air quality is often referred to in terms of ground-level concentrations. Existing levels of ambient air quality, historical trends, and projections near the project area are documented by measurements made by the SCAQMD), the SCAB's air pollution regulatory agency that maintains air quality monitoring stations, which process ambient air quality measurements.

The monitoring station located nearest the project area is the Winchester Monitoring Station, located at 33700 Borel Road, approximately seven miles south of the project area. [Table 4.3-1, *Measured Air Quality Levels*](#), identifies the number of days that each of the standards has been exceeded at the Winchester Monitoring Station. The Winchester Monitoring Station does not monitor coarse particulate matter (PM₁₀) and nitrogen dioxide (NO₂) emissions; therefore, data for PM₁₀ and NO₂ emissions were obtained from the Banning Airport Station located approximately 20 miles northeast of the project area at 200 South Hathaway Street, Banning.



Table 4.3-1: Measured Air Quality Levels

Criteria Pollutant	2017	2018	2019
Ozone (O₃)¹			
1-hour Maximum Concentration (ppm)	0.104	0.107	0.091
8-hour Maximum Concentration (ppm)	0.088	0.085	0.079
Number of Days Standard Exceeded			
CAAQS 1-hour (>0.09 ppm)	4	2	0
NAAQS 8-hour (>0.070 ppm)	47	15	6
Carbon Monoxide (CO)¹			
1-hour Maximum Concentration (ppm)	*	*	*
Number of Days Standard Exceeded			
NAAQS 1-hour (>35 ppm)	*	*	*
CAAQS 1-hour (>20 ppm)	*	*	*
Nitrogen Dioxide (NO₂)¹			
1-hour Maximum Concentration (ppm)	56.3	50.6	56.0
Number of Days Standard Exceeded			
NAAQS 1-hour (>0.100 ppm)	0	0	0
CAAQS 1-hour (>0.18 ppm)	0	0	0
Particulate Matter Less Than 10 Microns (PM₁₀)¹			
National 24-hour Maximum Concentration (µg/m ³)	97.9	39.3	63.8
State 24-hour Maximum Concentration (µg/m ³)	97.9	36.3	58.8
State Annual Average Concentration (CAAQS=20 µg/m ³)	22.8	*	*
Number of Days Standard Exceeded			
NAAQS 24-hour (>150 µg/m ³)	0	0	0
CAAQS 24-hour (>50 µg/m ³)	1	0	2
Particulate Matter Less Than 2.5 Microns (PM_{2.5})¹			
National 24-hour Maximum Concentration	*	*	*
State 24-hour Maximum Concentration	21.6	26.5	17.0
Number of Days Standard Exceeded			
NAAQS 24-hour (>35 µg/m ³)	*	*	*
NAAQS = National Ambient Air Quality Standards; CAAQS = California Ambient Air Quality Standards; ppm = parts per million; µg/m ³ = micrograms per cubic meter; – = not measured * There was insufficient (or no) data available to determine the value. ¹ Measurements taken at the Winchester Monitoring Station and Banning Airport Monitoring Station Source: All pollutant measurements are from the CARB Aerometric Data Analysis and Management system database (https://www.arb.ca.gov/adam) except for CO, which were retrieved from the CARB Air Quality and Meteorological Information System (https://www.arb.ca.gov/qaweb/siteinfo.php).			

Carbon Monoxide (CO). CO is an odorless, colorless toxic gas that is emitted by mobile and stationary sources as a result of incomplete combustion of hydrocarbons or other carbon-based fuels. In cities, automobile exhaust can cause as much as 95 percent of all CO emissions.



CO replaces oxygen in the body's red blood cells. Individuals with a deficient blood supply to the heart, patients with diseases involving heart and blood vessels, fetuses, and patients with chronic hypoxemia (oxygen deficiency) as seen in high altitudes are most susceptible to the adverse effects of CO exposure. People with heart disease are also more susceptible to developing chest pains when exposed to low levels of carbon monoxide.

Ozone (O₃). O₃ occurs in two layers of the atmosphere. The layer surrounding the earth's surface is the troposphere. The troposphere extends approximately 10 miles above ground level, where it meets the second layer, the stratosphere. The stratospheric (the "good" O₃ layer) extends upward from about 10 to 30 miles and protects life on earth from the sun's harmful ultraviolet rays. "Bad" O₃ is a photochemical pollutant, and needs volatile organic compounds (VOCs), nitrogen oxides (NO_x), and sunlight to form; therefore, VOCs and NO_x are O₃ precursors. To reduce O₃ concentrations, it is necessary to control the emissions of these O₃ precursors. Significant O₃ formation generally requires an adequate amount of precursors in the atmosphere and a period of several hours in a stable atmosphere with strong sunlight. High O₃ concentrations can form over large regions when emissions from motor vehicles and stationary sources are carried hundreds of miles from their origins.

While O₃ in the upper atmosphere (stratosphere) protects the earth from harmful ultraviolet radiation, high concentrations of ground-level O₃ (in the troposphere) can adversely affect the human respiratory system and other tissues. O₃ is a strong irritant that can constrict the airways, forcing the respiratory system to work hard to deliver oxygen. Individuals exercising outdoors, children, and people with preexisting lung disease such as asthma and chronic pulmonary lung disease are considered to be the most susceptible to the health effects of O₃. Short-term exposure (lasting for a few hours) to O₃ at elevated levels can result in aggravated respiratory diseases such as emphysema, bronchitis and asthma, shortness of breath, increased susceptibility to infections, inflammation of the lung tissue, and increased fatigue, as well as chest pain, dry throat, headache, and nausea.

Nitrogen Dioxide (NO₂). NO_x are a family of highly reactive gases that are a primary precursor to the formation of ground-level O₃ and react in the atmosphere to form acid rain. NO₂ (often used interchangeably with NO_x) is a reddish-brown gas that can cause breathing difficulties at elevated levels. Peak readings of NO₂ occur in areas that have a high concentration of combustion sources (e.g., motor vehicle engines, power plants, refineries, and other industrial operations). NO₂ can irritate and damage the lungs and lower resistance to respiratory infections such as influenza. The health effects of short-term exposure are still unclear. However, continued or frequent exposure to NO₂ concentrations that are typically much higher than those normally found in the ambient air may increase acute respiratory illnesses in children and increase the incidence of chronic bronchitis and lung irritation. Chronic exposure to NO₂ may aggravate eyes and mucus membranes and cause pulmonary dysfunction.

Coarse Particulate Matter (PM₁₀). PM₁₀ refers to suspended particulate matter, which is smaller than 10 microns or ten one-millionths of a meter. PM₁₀ arises from sources such as road dust, diesel soot, combustion products, construction operations, and dust storms. PM₁₀ scatters light and significantly reduces visibility. In addition, these particulates penetrate into lungs and can potentially damage the respiratory tract. On June 19, 2003, the California Air Resources Board



(CARB) adopted amendments to the statewide 24-hour particulate matter standards based upon requirements set forth in the Children’s Environmental Health Protection Act (Senate Bill 25).

Fine Particulate Matter (PM_{2.5}). Due to recent increased concerns over health impacts related to fine particulate matter (particulate matter 2.5 microns in diameter or less), both State and Federal PM_{2.5} standards have been created. Particulate matter impacts primarily affect infants, children, the elderly, and those with preexisting cardiopulmonary disease. In 1997, the US Environmental Protection Agency (EPA) announced new PM_{2.5} standards. Industry groups challenged the new standard in court and the implementation of the standard was blocked. However, upon appeal by the EPA, the United States Supreme Court reversed this decision and upheld the EPA’s new standards.

On January 5, 2005, the EPA published a Final Rule in the Federal Register that designates the Basin as a nonattainment area for Federal PM_{2.5} standards. On June 20, 2002, CARB adopted amendments for statewide annual ambient particulate matter air quality standards. These standards were revised/established due to increasing concerns by CARB that previous standards were inadequate, as almost everyone in California is exposed to levels at or above the current State standards during some parts of the year, and the statewide potential for significant health impacts associated with particulate matter exposure was determined to be large and wide-ranging. On July 8, 2016, EPA made a finding that the SCAQMD has attained the 1997 24-hour and annual PM_{2.5} standards based on 2011-2013 data. However, the Basin remains in nonattainment as the EPA has not determined that California has met the Federal Clean Air Act requirements for redesignating the Basin nonattainment area to attainment.

Sulfur Dioxide (SO₂). Sulfur dioxide (SO₂) is a colorless, irritating gas with a rotten egg smell; it is formed primarily by the combustion of sulfur-containing fossil fuels. Sulfur dioxide is often used interchangeably with SO_x. Exposure of a few minutes to low levels of SO₂ can result in airway constriction in some asthmatics.

Volatile Organic Compounds (VOC). VOCs are hydrocarbon compounds (any compound containing various combinations of hydrogen and carbon atoms) that exist in the ambient air. VOCs contribute to the formation of smog through atmospheric photochemical reactions and/or may be toxic. Compounds of carbon (also known as organic compounds) have different levels of reactivity; that is, they do not react at the same speed or do not form O₃ to the same extent when exposed to photochemical processes. VOCs often have an odor, and some examples include gasoline, alcohol, and the solvents used in paints. Exceptions to the VOC designation include carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate. VOCs are a criteria pollutant since they are a precursor to O₃, which is a criteria pollutant. The SCAQMD uses the terms VOC and reactive organic gases (ROG) (see below) interchangeably.

Reactive Organic Gases (ROG). Similar to VOCs, ROGs are also precursors in forming O₃ and consist of compounds containing methane, ethane, propane, butane, and longer chain hydrocarbons, which are typically the result of some type of combustion/decomposition process. Smog is formed when ROG and nitrogen oxides react in the presence of sunlight. ROGs are a criteria pollutant since they are a precursor to O₃, which is a criteria pollutant. The SCAQMD uses the terms ROG and VOC interchangeably.



SENSITIVE RECEPTORS

Sensitive populations are more susceptible to the effects of air pollution than the general population. Sensitive populations (sensitive receptors) that are in proximity to localized sources of toxics and CO are of particular concern. Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. The following types of people are most likely to be adversely affected by air pollution, as identified by CARB: children under 14, elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. Locations that may contain a high concentration of these sensitive population groups are called sensitive receptors and include residential areas, hospitals, day-care facilities, elder-care facilities, elementary schools, and parks.

Sensitive receptors within the project area include single- and multi-family residences interspersed throughout the project area's northern section. There are three schools (i.e., Winchester Elementary School, Oak Meadows Elementary School, and Harvest Hill S.T.E.A.M. Academy) within the project area. Sensitive receptors outside, but near the project area include single- and multi-family residences, and several schools interspersed mostly along the community's west and northeast boundaries.

4.3.2 REGULATORY SETTING

FEDERAL LEVEL

US Environmental Protection Agency

The EPA is responsible for implementing the federal Clean Air Act, which was first enacted in 1955 and amended numerous times after. The Clean Air Act established federal air quality standards known as the National Ambient Air Quality Standards (NAAQS). These standards identify levels of air quality for "criteria" pollutants that are considered the maximum levels of ambient (background) air pollutants considered safe, with an adequate margin of safety, to protect the public health and welfare; refer to [Table 4.3-2, *Ambient Air Quality Standards*](#).

Clean Air Act

Air quality is federally protected by the Clean Air Act and its amendments. Under the Clean Air Act, the EPA developed the primary and secondary NAAQS for the criteria air pollutants, including ozone, NO₂, CO, SO₂, PM₁₀, PM_{2.5}, and lead. Proposed Projects in or near nonattainment areas could be subject to more stringent air-permitting requirements. The Clean Air Act requires each state to prepare an air quality control plan, referred to as a State Implementation Plan (SIP), to demonstrate how it will attain the NAAQS within the federally imposed deadlines.

The EPA can withhold certain transportation funds from states that fail to comply with the planning requirements of the act. If a state fails to correct these planning deficiencies within two years of federal notification, the EPA is required to develop a federal implementation plan for the identified nonattainment area or areas. The provisions of 40 Code of Federal Regulations (CFR)



Parts 51 and 93 apply in all nonattainment and maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan. The EPA has designated enforcement of air pollution control regulations to the individual states.

STATE LEVEL

California Clean Air Act

In 1988, the California Clean Air Act was adopted and led to the establishment of California Ambient Air Quality Standards (CAAQS) for the same major pollutants as the NAAQS. [Table 4.3-2, *Ambient Air Quality Standards*](#), lists both the CAAQS and NAAQS standards for O₃, CO, NO₂, SO₂, PM₁₀, PM_{2.5}, and lead. In addition, the State of California has set standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles. These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety.

Table 4.3-2: Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards	National Standards
Ozone (O ₃)	8 Hour	0.070 ppm (137 µg/m ³)	0.070 ppm (137 µg/m ³)
	1 Hour	0.09 ppm (180 µg/m ³)	—
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)
	1 Hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)
Nitrogen Dioxide (NO ₂)	1 Hour	0.18 ppm (339 µg/m ³)	100 ppb
	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)	53 ppb (100 µg/m ³)
Sulfur Dioxide (SO ₂)	24 Hour	0.04 ppm (105 µg/m ³)	N/A
	3 Hour	—	N/A
	1 Hour	0.25 ppm (665 µg/m ³)	75 ppb
Particulate Matter (PM ₁₀)	Annual Arithmetic Mean	20 µg/m ³	N/A
	24 Hour	50 µg/m ³	150 µg/m ³
Particulate Matter – Fine (PM _{2.5})	Annual Arithmetic Mean	12 µg/m ³	15 µg/m ³
	24 Hour	N/A	35 µg/m ³
Sulfates	24 Hour	25 µg/m ³	N/A
Lead	Calendar Quarter	N/A	1.5 µg/m ³
	30 Day Average	1.5 µg/m ³)	N/A
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m ³)	N/A
Vinyl Chloride (chloroethene)	24 Hour	0.01 ppm (26 µg/m ³)	N/A
Visibility-Reducing Particles	8 Hour (10:00 to 18:00 PST)	—	N/A

Source: CARB 2015
Notes: mg/m³ = milligrams per cubic meter; ppm = parts per million; ppb = parts per billion; µg/m³ = micrograms per cubic meter



CARB is responsible for enforcing air pollution regulations in California. The California Clean Air Act requires all air pollution control districts in California to endeavor to achieve and maintain the CAAQS by the earliest practicable date and to develop plans and regulations specifying how they will meet this goal.

California State Implementation Plan

The federal Clean Air Act (and its subsequent amendments) requires each state to prepare a SIP, which is a living document that is periodically modified to reflect the latest emissions inventories, plans, and rules and regulations of air basins as reported by the agencies with jurisdiction over them. The Clean Air Act Amendments dictate that states containing areas violating the NAAQS revise their SIPs to include extra control measures to reduce air pollution. The SIP includes strategies and control measures to attain the NAAQS by deadlines established by the Clean Air Act. The SCAQMD is responsible for preparing and implementing the portion of the SIP applicable to the South Coast Air Basin. The EPA has the responsibility to review all SIPs to determine whether they conform to the requirements of the Clean Air Act.

Air Quality Attainment Plan

The South Coast Air Quality Management District (SCAQMD) is the air pollution control agency for Orange County and the urban portions of Los Angeles, Riverside, and San Bernardino Counties. The agency's primary responsibility is ensuring that State and federal ambient air quality standards are attained and maintained in the South Coast Air Basin (SCAB). The SCAQMD is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, conducting public education campaigns, and many other activities. All projects are subject to SCAQMD rules and regulations in effect at the time of construction.

The SCAQMD is also the lead agency in charge of developing the AQMP, with input from the Southern California Association of Governments (SCAG) and CARB. The AQMP is a comprehensive plan that includes control strategies for stationary and area sources, as well as for on-road and off-road mobile sources. SCAG has the primary responsibility for providing future growth projections and the development and implementation of transportation control measures. CARB, in coordination with federal agencies, provides the control element for mobile sources.

The 2016 AQMP was adopted by the SCAQMD Governing Board on March 3, 2017. The AQMP's purpose is to set forth a comprehensive and integrated program that would lead the SCAB into compliance with the federal 24-hour PM_{2.5} air quality standard, and to provide an update to the SCAQMD's commitments towards meeting the federal 8-hour O₃ standards. The AQMP incorporates the latest scientific and technological information and planning assumptions, including SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and updated emission inventory methodologies for various source categories.

The AQMP provides local guidance for the SIP, which sets the framework for air quality basins to achieve attainment of the CAAQS/NAAQS. Areas that meet ambient air quality standards are classified as attainment areas, while areas that do not meet these standards are classified as



nonattainment areas. The SCAB's State and federal attainment status designations are summarized in [Table 4.3-3, South Coast Air Basin Attainment Status](#). The SCAB is currently designated as a nonattainment area for the State O₃, PM₁₀, and PM_{2.5} standards and the national 8-hour O₃ and PM_{2.5} standards. The SCAB is designated as attainment or unclassified for the remaining State and federal standards.

Table 4.3-3: South Coast Air Basin Attainment Status

Pollutant	State	Federal
Ozone (O ₃) (1 Hour Standard)	Non-Attainment	Non-Attainment (Extreme)
Ozone (O ₃) (8 Hour Standard)	Non-Attainment	Non-Attainment (Extreme)
Particulate Matter (PM _{2.5}) (24 Hour Standard)	–	Non-Attainment (Serious)
Particulate Matter (PM _{2.5}) (Annual Standard)	Non-Attainment	Non-Attainment (Moderate)
Particulate Matter (PM ₁₀) (24 Hour Standard)	Non-Attainment	Attainment (Maintenance)
Particulate Matter (PM ₁₀) (Annual Standard)	Non-Attainment	–
Carbon Monoxide (CO) (1 Hour Standard)	Attainment	Attainment (Maintenance)
Carbon Monoxide (CO) (8 Hour Standard)	Attainment	Attainment (Maintenance)
Nitrogen Dioxide (NO ₂) (1 Hour Standard)	Attainment	Unclassifiable/Attainment
Nitrogen Dioxide (NO ₂) (Annual Standard)	Attainment	Attainment (Maintenance)
Sulfur Dioxide (SO ₂) (1 Hour Standard)	Attainment	Unclassifiable/Attainment
Sulfur Dioxide (SO ₂) (24 Hour Standard)	Attainment	–
Lead (Pb) (30 Day Standard)	–	Unclassifiable/Attainment
Lead (Pb) (3 Month Standard)	Attainment	–
Sulfates (SO ₄₋₂) (24 Hour Standard)	Attainment	–
Hydrogen Sulfide (H ₂ S) (1 Hour Standard)	Unclassified	–

Source: South Coast Air Quality Management District, *Air Quality Management Plan*, 2016; United States Environmental Protection Agency, *Nonattainment Areas for Criteria Pollutants (Green Book)*, 2020.

Toxic Air Contaminant Regulations

In 1983, the California legislature enacted a program to identify the health effects of toxic air contaminants (TACs) and to reduce exposure to these contaminants to protect the public health. The California Health and Safety Code defines a TAC as “an air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health.” A substance that is listed as a hazardous air pollutant pursuant to subsection (b) of Section 112 of the federal Clean Air Act (42 United States Code Section 7412[b]) is a TAC. Under state law, the California EPA, acting through CARB, is authorized to identify a substance as a TAC if it determines the substance is an air pollutant that may cause or contribute to an increase in mortality or to an increase in serious illness, or may pose a present or potential hazard to human health.

California regulates TACs primarily through Assembly Bill (AB) 1807 (Tanner Air Toxics Act) and AB 2588 (Air Toxics “Hot Spot” Information and Assessment Act of 1987). The Tanner Air Toxics



Act sets forth a formal procedure for CARB to designate substances as TACs. Once a TAC is identified, CARB adopts an “airborne toxics control measure” for sources that emit designated TACs. If there is a safe threshold for a substance (a point below which there is no toxic effect), the control measure must reduce exposure to below that threshold. If there is no safe threshold, the measure must incorporate toxics best available control technology to minimize emissions. To date, CARB has established formal control measures for 11 toxic air contaminants, all of which are identified as having no safe threshold.

Air toxics from stationary sources are also regulated in California under the Air Toxics “Hot Spot” Information and Assessment Act of 1987. Under AB 2588, TAC emissions from individual facilities are quantified and prioritized by the air quality management district or air pollution control district. High-priority facilities are required to perform a health risk assessment and, if specific thresholds are exceeded, are required to communicate the results to the public in the form of notices and public meetings.

Since the last update to the TAC list in December 1999, CARB has designated 244 compounds as TACs. Additionally, CARB has implemented control measures for a number of compounds that pose high risks and show potential for effective control. The majority of the estimated health risks from TACs can be attributed to relatively few compounds, the most important being particulate matter from diesel-fueled engines.

California Diesel Risk Reduction Plan

In September 2000, CARB adopted the Diesel Risk Reduction Plan, which recommends many control measures to reduce the risks associated with diesel particulate matter (DPM) and achieve the goal of an 85 percent reduction of DPM generated by 2020. The plan incorporates measures to reduce emissions from diesel-fueled vehicles and stationary diesel-fueled engines. CARB’s ongoing efforts to reduce diesel-exhaust emissions from these sources include the development of specific statewide regulations. The goal of each regulation is to make diesel engines as clean as possible by establishing state-of-the-art technology requirements or emission standards to reduce DPM emissions.

Since the initial adoption of the Diesel Risk Reduction Plan, CARB has adopted numerous rules related to the reduction of DPM from mobile sources, as well as the use of cleaner-burning fuels. Transportation sources addressed by these rules include public transit buses, school buses, on-road heavy-duty trucks, and off-road heavy-duty equipment.

On-Road Heavy-Duty Diesel Vehicles (In Use) Regulation

CARB’s On-Road Heavy-Duty Diesel Vehicles (In Use) Regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Heavier trucks were required to be retrofitted with particulate matter filters beginning January 1, 2012, and replacement of older trucks was required starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. The regulation applies to nearly all privately and federally owned diesel-fueled trucks and buses, as well as to privately and publicly owned school buses with a gross vehicle weight rating greater than 14,000 pounds.



REGIONAL LEVEL

South Coast Air Quality Management Control District

The SCAQMD is the air pollution control agency for Orange County and the urban portions of Los Angeles, Riverside, and San Bernardino Counties. The agency's primary responsibility is ensuring that the NAAQS and CAAQS are attained and maintained in the Basin. The SCAQMD is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, and conducting public education campaigns, as well as many other activities. All projects are subject to the SCAQMD rules and regulations in effect at the time of construction.

The following is a list of noteworthy SCAQMD rules that are required of the proposed project during construction activities:

Rule 402 (Nuisance). This rule prohibits the discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. This rule does not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

Rule 403 (Fugitive Dust). This rule requires fugitive dust sources to implement best available control measures for all sources and prohibits all forms of visible particulate matter from crossing any property line. Rule 403 is intended to reduce PM₁₀ emissions from any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust. Examples of some PM₁₀ suppression techniques are summarized below.

- Portions of the construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized in a manner acceptable to the City.
- All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.
- All material transported off-site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.
- The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times.
- Where vehicles leave the construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the workday to remove soil tracked onto the paved surface.



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- A wheel washing system will be installed and used to remove bulk material from tires and vehicle undercarriages before vehicles exit the site.
- Water will be applied to active portions of the site, including unpaved roads, in sufficient quantity.

Rule 1113 (Architectural Coatings). This rule requires manufacturers, distributors, and end-users of architectural and industrial maintenance coatings to reduce ROG emissions from the use of these coatings, primarily by placing limits on the ROG content of various coating categories.

Southern California Association of Governments

On September 3, 2020, the Regional Council of SCAG formally adopted the *2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (2020–2045 RTP/SCS)*. The 2020–2045 RTP/SCS reaffirms the land use policies that were incorporated into the 2020–2045 RTP/SCS. These foundational policies, which guided the development of the 2020–2045 RTP/SCS’s strategies for land use, include the following:

- Identify regional strategic areas for infill and investment
- Structure the plan on a three-tiered system of centers development²
- Develop “Complete Communities”
- Develop nodes on a corridor
- Plan for additional housing and jobs near transit
- Plan for changing demand in types of housing
- Continue to protect stable, existing single-family areas
- Ensure adequate access to open space and preservation of habitat
- Incorporate local input and feedback on future growth

The 2020–2045 RTP/SCS recognizes that transportation investments and future land use patterns are inextricably linked, and continued recognition of this close relationship will help the region make choices that sustain existing resources and expand efficiency, mobility, and accessibility for people across the region. In particular, the 2020–2045 RTP/SCS draws a closer connection between where people live and work, and offers a blueprint for how Southern California can grow more sustainably. The 2020–2045 RTP/SCS also includes strategies focused on compact infill development and economic growth by building the infrastructure the region

2 Complete language: “Identify strategic centers based on a three-tiered system of existing, planned and potential relative to transportation infrastructure. This strategy more effectively integrates land use planning and transportation investment.” A more detailed description of these strategies and policies can be found on pages 90–92 of the SCAG 2008 *Regional Transportation Plan*, adopted in May 2008.



needs to promote the smooth flow of goods and easier access to jobs, services, educational facilities, healthcare and more.

The SCS portion of the 2020-2045 RTP/SCS highlights strategies for the region to reach the regional target of reducing GHGs from autos and light-duty trucks by 8 percent per capita by 2020, and 19 percent by 2035 (compared to 2005 levels). Specially, these strategies are:

- Focus growth near destinations and mobility options
- Promote diverse housing choices
- Leverage technology innovations
- Support implementation of sustainability policies
- Promote a green region

Furthermore, the 2020-2045 RTP/SCS discusses a variety of land use tools to help achieve the State-mandated reductions in GHG emissions through reduced per capita VMT. Some of these tools include center-focused placemaking, focusing on priority growth areas, job centers, and transit priority areas, as well as HQTAs and green regions.

LOCAL LEVEL

County of Riverside General Plan

Air Quality Element

The following policies contained in the County of Riverside General Plan Air Quality Element are applicable to the project in regard to air quality:

- AQ 1.1 Promote and participate with regional and local agencies, both public and private, to protect and improve air quality.
- AQ 1.2 Support Southern California Association of Government's (SCAG) Regional Growth Management Plan by developing intergovernmental agreements with appropriate governmental entities such as the Western Riverside Council of Governments (WRCOG), the Coachella Valley Association of Governments (CVAG), sanitation districts, water districts, and those sub regional entities identified in the Regional Growth Management Plan.
- AQ 1.3 Participate in the development and update of those regional air quality management plans required under federal and state law, and meet all standards established for clean air in these plans.
- AQ 1.4 Coordinate with the SCAQMD and MDAQMD to ensure that all elements of air quality plans regarding reduction of air pollutant emissions are being enforced.
- AQ 1.5 Establish and implement air quality, land use and circulation measures that improve not only the County's environment but the entire region.



4.3 Air Quality

- AQ 1.6, Establish a level playing field by working with local jurisdictions to simultaneously adopt policies similar to those in this Air Quality Element.
- AQ 1.7 Support legislation which promotes cleaner industry, clean fuel vehicles and more efficient burning engines and fuels.
- AQ 1.8 Support the introduction of federal, state or regional enabling legislation to permit the County to promote inventive air quality programs, which otherwise could not be implemented.
- AQ 1.9 Encourage, publicly recognize and reward innovative approaches that improve air quality.
- AQ 1.10 Work with regional and local agencies to evaluate the feasibility of implementing a system of charges (e.g., pollution charges, user fees, congestion pricing and toll roads) that requires individuals who undertake polluting activities to bear the economic cost of their actions where possible.
- AQ 1.11 Involve environmental groups, the business community, special interests, and the general public in the formulation and implementation of programs that effectively reduce airborne pollutants.
- AQ 2.1 The County land use planning efforts shall assure that sensitive receptors are separated and protected from polluting point sources to the greatest extent possible.
- AQ 2.2 Require site plan designs to protect people and land uses sensitive to air pollution through the use of barriers and/or distance from emissions sources when possible.
- AQ 2.3 Encourage the use of pollution control measures such as landscaping, vegetation and other materials, which trap particulate matter or control pollution.
- AQ 2.4 Consider creating a program to plant urban trees on an Area Plan basis that removes pollutants from the air, provides shade and decreases the negative impacts of heat on the air.
- AQ 4.5 Require stationary pollution sources to minimize the release of toxic pollutants through:
- Design features;
 - Operating procedures;
 - Preventive maintenance;
 - Operator training; and
 - Emergency response planning



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- AQ 4.6 Require stationary air pollution sources to comply with applicable air district rules and control measures.
- AQ 4.7 To the greatest extent possible, require every project to mitigate any of its anticipated emissions which exceed allowable emissions as established by the SCAQMD, MDAQMD, SCAB, the Environmental Protection Agency, and the California Air Resources Board.
- AQ 5.2 Adopt incentives and/or regulations to enact energy conservation requirements for private and public developments.
- AQ 5.4 Encourage the incorporation of energy-efficient design elements, including appropriate site orientation and the use of shade and wind-break trees to reduce fuel consumption for heating and cooling.
- AQ 15.1 Identify and monitor sources, enforce existing regulations, and promote stronger controls to reduce particulate matter.
- AQ 16.1 Cooperate with local, regional, state and federal jurisdictions to better control particulate matter.
- AQ 16.2 Encourage stricter state and federal legislation on bias belted tires, smoking vehicles, and vehicles that spill debris on streets and highways, to better control particulate matter.
- AQ 16.3 Collaborate with the SCAQMD and MDAQMD to require and/or encourage the adoption of regulations or incentives to limit the amount of time trucks may idle.
- AQ 16.4 Collaborate with the EPA, SCAQMD, MDAQMD, and warehouse owners and operators to create regulations and programs to reduce the amount of diesel fumes released due to warehousing operations.
- AQ 17.1 Reduce particulate matter from agriculture, construction, demolition, debris hauling, street cleaning, utility maintenance, railroad rights-of-way, and off-road vehicles to the extent possible.
- AQ 17.3 Identify and create a control plan for areas within the County prone to wind erosion of soil.
- AQ 17.4 Adopt incentives, regulations and/or procedures to manage paved and unpaved roads and parking lots so they produce the minimum practicable level of particulates.
- AQ 17.5 Adopt incentives and/or procedures to limit dust from agricultural lands and operations, where applicable.
- AQ 17.6 Reduce emissions from building materials and methods that generate excessive pollutants, through incentives and/or regulations.



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- AQ 17.7 Separate trucks from other vehicles in industrial areas of the County with the creation of truck only access lanes to promote the free flow of traffic.
- AQ 17.8 Adopt regulations and programs necessary to meet state and federal guidelines for diesel emissions.
- AQ 17.9 Encourage the installation and use of electric service units at truck stops and distribution centers for heating and cooling truck cabs, and particularly for powering refrigeration trucks in lieu of idling of engines for power.
- AQ 17.10 Promote and encourage the use of natural gas and electric vehicles in distribution centers.

Land Use Element

The following policies contained in the County of Riverside General Plan Land Use Element are applicable to the project in regard to air quality:

- LU 8.2 Promote and market the development of a variety of stable employment and business uses that provide a diversity of employment opportunities.
- LU 11.1 Provide sufficient commercial and industrial development opportunities in order to increase local employment levels and thereby minimize long-distance commuting.
- LU 11.2 Ensure adequate separation between pollution producing activities and sensitive emission receptors, such as hospitals, residences, child care centers and schools.
- LU 11.3, Accommodate the development of community centers and concentrations of development to reduce reliance on the automobile and help improve air quality.
- LU 11.4, Provide options to the automobile in communities, such as transit, bicycle, and pedestrian trails, to help improve air quality.

Circulation Element

The following policies contained in the County of Riverside General Plan Circulation Element are applicable to the project in regard to air quality:

- C 1.2 Support development of a variety of transportation options for major employment and activity centers including direct access to transit routes, primary arterial highways, bikeways, park-n-ride facilities, and pedestrian facilities.
- C 1.7 Encourage and support the development of projects that facilitate and enhance the use of alternative modes of transportation, including pedestrian-oriented retail and activity centers, dedicated bicycle lanes and paths, and mixed-use community centers.
- C 4.1 Provide facilities for the safe movement of pedestrians within developments, as specified in the Riverside County Ordinances Regulating the Division of Land of the County of Riverside.



- C 4.8 Coordinate with all transit operators to ensure that ADA compliant pedestrian facilities are provided along and/or near all transit routes, whenever feasible. New land developments may be required to provide pedestrian facilities due to existing or future planned transit routes even if demand for pedestrian facility may not be otherwise warranted.
- C 9.2 Support the expansion and enhancement of Metrolink service and transit operators' programs to increase transit usage to implement Bus Rapid Transit (BRT) services, and to make other express and local bus service improvements.
- C 11.1 Where appropriate, reserve right-of-way to accommodate designated transit service.
- C 11.2 Incorporate the potential for public transit service in the design of developments that are identified as major trip attractions (i.e., community centers, tourist and employment centers), as indicated in ordinances regulating the division of land of the County of Riverside.
- C 11.3 Design the physical layout of arterial and collector highways to facilitate bus operations. Locations of bus turn outs and other design features should be considered.
- C 11.4 Offer incentives to new development to encourage it to locate in a transit-oriented area such as a community center or along a designated transit corridor near a station.
- C 11.5 Accommodate transit through higher densities, innovative design, and right-of-way dedication.
- C 11.6 Promote development of transit centers and park-n-rides for use by all transit operators, including development of multi-modal facilities.
- C 12.2 Support the development of high-speed transit linkages, bus rapid transit (BRT) or express routes, between community centers and other major nodes of activity.
- C 13.1 Support continued development and implementation of the Riverside County Transportation Commission Rail Program including new rail lines and stations, the proposed California High Speed Rail System with at least two (2) stations in Riverside County, Coachella Valley San Gorgonio Pass Intercity Rail Service, and the proposed Intercity Rail Corridor between Calexico and Los Angeles.
- C 17.4 Ensure that alternative modes of motorized transportation, such as buses, trains, taxi cabs, etc., plan and provide for transportation of recreational and commuting bicyclists and bicycles on public transportation systems. Coordinate with all transit operators to ensure that bicycle facilities are provided along and/or near all transit routes, whenever feasible. New land developments shall be required to provide bicycle facilities to existing or future planned transit routes.



- C 20.14 Encourage the use of alternative non-motorized transportation and the use of non-polluting vehicles.

Healthy Communities Element

The following policies contained in the County of Riverside General Plan Healthy Communities Element are applicable to the project in regard to air quality:

- HC 14.1 When feasible, avoid siting homes and other sensitive receptors near known or anticipated sources of air pollution.
- HC 14.2 When feasible, avoid locating new sources of air pollution near homes and other sensitive receptors.
- HC 15.4 Coordinate, with environmental groups, Native American tribal groups, the business community, special interests, county and non-county agencies and the general public in the development of programs that effectively reduce greenhouse gas emissions and air pollution, and as applicable pursuant to the Community Air Protection Program (AB617).
- HC 16.1 In cooperation with affected federal state, local agencies, county departments, and impacted community residents, monitor changes to the Salton Sea and other bodies of water that impact air quality and water quality and seek and pursue opportunities to address impacts to the maximum extent possible, and make public the data and other information related to the status of the effort.
- HC 16.2 Pursue funding and other opportunities from state, federal, and local government and nongovernment sources and allocate county general funds to improve public health and limit pollution exposure and promote efforts to ameliorate environmental justice constraints in environmental justice communities.
- HC 16.3 Assist communities in seeking funding for community initiated clean air projects including the installation of on-site air monitoring equipment in areas of high exposure to air contaminants.
- 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.
- HC 16.9 Explore the feasibility of creating a partnership with the South Coast Air Quality Management District (SCAQMD) to establish a mitigation program to reduce the impact of air pollution as well as assist with the implementation of air quality programs.
- HC 16.10 Plan for compact development projects in appropriate locations, including in existing communities and the clustering of affordable and mixed income housing therein, that make the most efficient use of land and concentrate complementary



uses in close proximity to transit or non-transit mobility options and advocate for expanded transit and non-transit mobility options to serve such areas.

- HC 16.11 Implement development of bicycle and pedestrian facilities to reduce dependency on fossil fuel based transportation and pursue funding to implement mobility plans and projects.
- HC 16.12 Plan and implement complete streets which include sidewalks, greenbelts, and trails to facilitate use by pedestrians and bicyclists where such facilities are well separated from parallel or cross through traffic to ensure pedestrian and cyclist safety and rehabilitate/expand existing to achieve same or similar design features.
- HC 16.15 Assure that site plan design protects people and land, particularly sensitive land uses such as housing and schools, from air pollution and other externalities associated with industrial and warehouse development through the use of barriers, distance, or similar solutions or measures from emission sources when possible.
- HC 16.16 Apply pollution control measures such as landscaping, vegetation, and green zones (in cooperation with the SCAQMD) and other materials, which trap particulate matter or control air pollution.
- HC 16.17 Landscape by planting of trees on a community basis that removes pollutants from the air, provides shade and decreases the negative impacts of extreme heat on the community.
- HC 16.18 Promote new development that emphasizes job creation and reduction in vehicle miles traveled in job-poor areas and does not otherwise contribute to onsite emissions in order to improve air quality.
- HC 16.19 Promote reduction of vehicle miles traveled (VMT) by encouraging expanded multi-modal facilities, linkages between such facilities, and services that provide transportation alternatives, such as transit, bicycle and pedestrian modes.
- HC 16.20 Facilitate an increase in transit options. In particular, coordinate with adjacent municipalities, transit providers and regional transportation planning agencies in the development of mutual policies and funding mechanisms to increase the use of alternative transportation modes. All new development should contribute and invest in increasing access to public transit and multimodal active transportation infrastructure.
- HC 16.23 Discourage industrial and agricultural uses which produce significant quantities of toxic emissions into the air, soil, and groundwater to prevent the contamination of these physical environments.



4.3 Air Quality

4.3.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

REGIONAL AIR QUALITY

In its *CEQA Air Quality Handbook*, the SCAQMD has established significance thresholds to assess the impact of project related air pollutant emissions. Table 4.3-4, *SCAQMD Regional Pollutant Emission Thresholds of Significance*, presents these significance thresholds. There are separate thresholds for short-term construction and long-term operational emissions. A project with daily emission rates below these thresholds is considered to have a less than significant effect on regional air quality.

Table 4.3-4: SCAQMD Regional Pollutant Emission Thresholds of Significance

Phase	Pollutant (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Construction	75	100	550	150	150	55
Operation	55	55	550	150	150	55
CO = carbon monoxide; VOC = volatile organic compounds; NO _x = nitrogen oxides; PM ₁₀ = particulate matter smaller than 10 microns; PM _{2.5} = particulate matter smaller than 2.5 microns						
Source: SCAQMD 1993.						

LOCAL AIR QUALITY

Localized Significance Thresholds

Localized significance thresholds (LSTs) were developed in response to the SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the *Final Localized Significance Threshold Methodology* (revised July 2008) for guidance. The LST methodology assists lead agencies in analyzing localized impacts associated with proposed Projects. The SCAQMD provides the LST lookup tables for one-, two-, and five-acre Projects emitting CO, NO_x, PM₁₀, and PM_{2.5}. The LST methodology and associated mass rates are not designed to evaluate localized impacts from mobile sources traveling over the roadways.

Localized CO

In addition, the project would result in a local air quality impact if the project results in increased traffic volumes that would result in an exceedance of the CO ambient air quality standards of 20 parts per million (ppm) for 1-hour CO concentration levels, and 9 ppm for 8-hour CO concentration levels. If the CO concentrations at potentially impacted intersections with the project are lower than the standards, then there is no significant impact. If future CO concentrations with the project are above the standard, then the project would have a significant local air quality impact.

Cumulative Emissions

The SCAQMD's 2016 AQMP was prepared to accommodate growth, meet State and federal air quality standards, and minimize the fiscal impact that pollution control measures have on the local economy. According to the CEQA Air Quality Handbook, Project-related emissions that fall



below the established construction and operational thresholds should be considered less than significant unless there is pertinent information to the contrary.

If a Project exceeds these emission thresholds, the *CEQA Air Quality Handbook* states that the significance of a Project's contribution to cumulative impacts should be determined based on whether the rate of growth in average daily trips exceeds the rate of growth in population.

CEQA SIGNIFICANCE CRITERIA

Appendix G of the State *CEQA Guidelines* contains the Environmental Checklist form used during preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- Conflict with or obstruct implementation of the applicable air quality plan (refer to Impact Statement AQ-1);
- Result in a cumulatively 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 (refer to Impact Statements AQ-1 and AQ-2);
- Expose sensitive receptors to substantial pollutant concentrations (refer to Impact Statements AQ-3); and
- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people (refer to Impact State AQ-4).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

4.3.4 IMPACTS AND MITIGATION MEASURES

SHORT-TERM (CONSTRUCTION) AIR EMISSIONS

AQ-1 THE PROJECT WOULD CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE APPLICABLE AIR QUALITY PLAN.

Impact Analysis

The current applicable air quality plan is the 2016 AQMP adopted on March 3, 2017. The 2016 AQMP is designed to meet the State and federal Clean Air Act planning requirements and focuses on federal ozone and ultra-fine particulate matter (PM_{2.5}) standards. The SCAQMD's AQMP was prepared to: accommodate growth; reduce the high levels of pollutants within the areas under the jurisdiction of SCAQMD; and attain clean air within the region. Projects that are considered consistent with the AQMP would not interfere with attainment because this growth is included in the projections used to formulate the AQMP.



The SCAQMD's CEQA Handbook identifies two key indicators of consistency with the AQMP:

1. Whether a project will result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP.
2. Whether a project will exceed the assumptions in the AQMP based on the year of project buildout and phase.

Concerning the first criterion, construction activities associated with individual future developments facilitated by the project could potentially exceed AQMD significance thresholds. Construction activity that would occur pursuant to the project would cause temporary, short-term emissions of various air pollutants. NO_x and CO would be emitted by the operating construction equipment, while fugitive dust (PM₁₀) would be emitted by activities that disturb the soil, such as grading and excavation, road construction, and building demolition and construction.

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. Additionally, at a programmatic level, due to the project's size, operational emissions would exceed thresholds and impacts would be potentially significant. As discussed in Impact 4.3-2 below, impacts would be significant and unavoidable as future development facilitated by the project could increase the frequency or severity of existing air quality violations.

A project is inconsistent with the AQMP if it would generate a considerable increase in regional air quality violations and affect the region's attainment of air quality standards, or if it would generate population, housing, or employment growth exceeding forecasts used in the AQMP's development. The 2016 AQMP, the most recent AQMP adopted by the SCAQMD, incorporates local city general plans and the SCAG's Connect SoCal – 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy socioeconomic forecast Projections of regional population, housing, and employment growth. As noted in [Table 3-2, Project Development Potential](#), the project area's forecast population based on existing land use designations is approximately 168,551 persons. The SCAQMD's AQMP population forecast is based on SCAG's population and growth estimates. [Table 4.3-5, Riverside County Regional Growth Estimates](#), shows the SCAG regional growth projections for the County; see also [Section 4.14, Population and Housing](#).

Table 4.3-5: Riverside County Regional Growth Estimates

	2016	2020	2030	2035	2045
Population	2,364,000	2,493,000	2,853,000	2,996,000	3,252,000
Employment	743,000	823,000	961,000	1,009,000	1,103,000
Households	716,000	785,000	930,000	988,000	1,086,000

Source: SCAG, Connect SoCal RTP/SCS, 2020.



The project provides planning policies and regulations guide change, promote quality development, and implement the community's vision for the area. The Community Plan includes a land use plan, regulatory standards, design guidelines, and administrative and implementation programs to encourage high-quality development within the Winchester Policy Area (Winchester PA). Although the project does not propose any development, it does propose land use and policy changes that would facilitate development within the project area. The project would provide greater housing variety and density (including affordable housing, life-cycle housing [e.g., starter homes for larger families to senior housing], workforce housing, veterans housing, etc.) and 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 vehicle miles traveled (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, thereby reducing associated air quality emissions.³

As described above, the population, housing, and employment forecasts, which are adopted by SCAG's Regional Council, are based on local county and city plans and policies. These are used by SCAG in all phases of implementation and review. Additionally, the SCAQMD has incorporated these same projections into the 2016 AQMP. As noted in the Section 3.0, *Project Description*, the project's full buildout would increase population by 35,139 persons from what is currently planned for in the project area. Thus, the project would incrementally exceed the 2020-2045 RTP/SCS forecast population and household growth on which the 2016 AQMP is based. Overall, project implementation could increase the County population by 1 percent in the 2045 horizon year. This population increase would be within SCAG's forecasted population for the County of 759,000 between 2020 and 2045.

However, the project's full buildout would reduce employment by 10,055 jobs from what is currently planned for in the project area, and would therefore would incrementally decrease the 2020-2045 RTP/SCS forecast employment growth on which the 2016 AQMP is based.

The project requires a General Plan Amendment to update the Land Use Map to identify the Community Plan area's boundaries. The Community Plan, which encourages a wide variety of housing, shorter distances between housing and workplaces, local serving uses, compact development, and sustainable multi-modal transportation, is consistent with regional policies established in the 2020-2045 RTP/SCS that promote alternative modes of transport and "livable corridors" to reduce air quality impacts from vehicle emissions. In addition, project implementation would improve the jobs-housing balance in the County, which reduces VMT by residents to employment opportunities. The project is consistent with the RTP/SCS's goals to

3 The California Air Pollution Control Officers Association, *Quantifying Greenhouse Gas Mitigation Measures* (August 2010) identifies that higher density housing and local serving uses such as those facilitated by the proposed Project have an improved location efficiency and reduce vehicle miles traveled which reduces fuel consumption.



reduce VMT and associated air pollutant emissions. Future development facilitated by the project would be required to demonstrate consistency with the AQMP. As such, while the project would result in unplanned/unaccounted for population and housing growth in the General Plan and growth projections used by the SCAQMD to develop the AQMP, it is not considered substantial in the context of the County overall. Therefore, no conflict would occur in this regard.

Although the project would be consistent with the RTP/SCS's goals to reduce VMT and associated air pollutant emissions, the combined emissions from the project's buildout would exceed SCAQMD project-level construction and operational thresholds (refer to discussion under Impact Statement AQ-2) and implementation of all SCAQMD rules, regulations, and control measures may not be feasible for future developments. As such, impacts would be significant and unavoidable.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Significant and Unavoidable Impact

LONG-TERM (OPERATIONAL) AIR EMISSIONS

AQ-2 PROJECT IMPLEMENTATION RESULT IN A CUMULATIVELY 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.

Impact Analysis

Construction Emissions

The project proposes land use and policy changes that would facilitate development within the project area. Project implementation would increase the project area's residential uses by approximately 12,329 DU, however, would also decrease the project area's non-residential land uses by approximately 8 million square feet. Construction activities from future development would result in fugitive dust and exhaust emissions. As described below, grading and hauling tend to generate the greatest fugitive dust and exhaust emissions. Additionally, demolition of buildings with asbestos containing materials could occur.

Fugitive Dust. Construction activities are a source of fugitive dust (PM₁₀ and PM_{2.5}) emissions that may have a substantial, temporary impact on local air quality. Fugitive dust emissions vary substantially from day to day, depending on the level of activity, specific operations, and weather conditions. Fugitive dust (PM₁₀) poses a serious health hazard alone or in combination with other pollutants. Fine Particulate Matter (PM_{2.5}) is mostly derived from combustion sources, such as automobiles, trucks, and other vehicle exhaust, as well as from stationary sources. These particles are either directly emitted or are formed in the atmosphere from the combustion of gases such as NO_x and SO_x combining with ammonia. PM_{2.5} components from material in the earth's crust, such as dust, are also present, with the amount varying in different locations.

Exhaust. Exhaust emissions would be generated by the operation of vehicles and equipment on future construction sites, such as tractors, dozers, scrapers, backhoes, cranes, and trucks. The



majority of construction equipment and vehicles would be diesel powered, which tends to be more efficient than gasoline-powered equipment. Diesel-powered equipment produces lower CO and hydrocarbon emissions than gasoline equipment, but produces greater amounts of NO_x, SO_x, and particulates per hour of activity. The transportation of equipment and materials to and from Project sites, as well as construction workers traveling to and from the sites, would also generate vehicle emissions during construction.

Grading/Hauling. Depending on the amount of over-excavation and re-compaction that may be necessary to create a suitable building pad, future development facilitated by a project may require the import/export of fill material. Although these activities may create additional dust and PM₁₀ and PM_{2.5}, as well as truck-related emissions, they would be mitigated to less than significant levels through implementation of standard dust control practices required as part of the grading permit (periodic site watering, covering laden trucks with tarps, and periodic street sweeping).

Asbestos. It is possible that asbestos-containing materials may be present within existing buildings that may be modified or demolished within the project area. Therefore, the possibility exists that asbestos fibers may be released into the air should no asbestos assessment or removal (if needed) take place prior to demolition. Standard practice would be to conduct an asbestos assessment for candidate buildings to determine the presence of asbestos. If identified, an asbestos abatement contractor would be retained to develop an abatement plan and remove the asbestos containing materials, in accordance with local, State, and federal requirements. After removal, demolition may proceed without significant concern to the release of asbestos fibers into the air.

Construction activities associated with future development facilitated by the project would occur in incremental phases over time based upon numerous factors, including market demand, and economic and planning considerations. Construction activities would consist of grading, demolition, excavation, cut-and-fill, paving, building construction, and application of architectural coatings. In addition, construction worker vehicle trips, building material deliveries, soil hauling, etc. would occur during construction. Construction-related emissions are typically site-specific and depend upon multiple variables. Quantifying individual future development's air emissions from short-term, temporary construction-related activities is not possible 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 emissions and impacts would be speculative.

As construction parameters can vary so widely (and would occur over a roughly 30+ year time span), estimating all of the construction emissions or impacts from future development facilitated by the project is infeasible. To provide a reference of the types of air quality emissions associated with "typical" individual construction activities, the General Plan EIR analyzed several hypothetical scenarios for three types of residential development.

The General Plan EIR determined that the SCAQMD thresholds for PM₁₀ are exceeded with the disturbance of between 25 and 50 acres. In addition, the construction of 150 single-family



residential DU or more is anticipated to exceed the SCAQMD threshold for ROG. As the residential examples analyzed in the General Plan EIR demonstrate that the thresholds are exceeded, construction air quality impacts would be considered significant for such individual Projects. Additionally, because construction impacts are modeled from a myriad of variables unique to each future development, it is impossible to develop a reasonably foreseeable forecast of construction-related air quality impacts resulting from future development facilitated by the project. Thus, air quality impacts as a result of construction must be addressed on a case-by-case basis for each future development.

Depending on how development proceeds, construction-related emissions associated with future development facilitated by the project could exceed SCAQMD thresholds of significance. 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 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.

Operational Impacts

Most of the operational emissions from future development facilitated by the project would be due to vehicle trips to, from, and within the project area and local region. To determine the pollutant emissions anticipated for the project, the types and amounts of future development were entered into CalEEMod pursuant to the project characteristics described in [Section 3.0](#). Where project-specific data was not available, CalEEMod defaults were used.

Mobile and stationary source operational emissions would result from normal daily activities after occupancy of individual development Projects. Mobile source emissions would be generated by the motor vehicles traveling to and from their respective development sites. Stationary area source emissions would be generated by natural gas consumption for space and water heating devices, landscape maintenance equipment operations, and use of consumer products. Stationary energy emissions would result from energy consumption associated with the future development. [Table 4.3-6](#), Estimated Unmitigated Operational Emissions, summarizes the project's operational emissions. [Table 4.3-6](#) shows that total operational emissions resulting from future development proposals would exceed SCAQMD's thresholds.



Table 4.3-6: Estimated Unmitigated Operational Emissions

Emissions Source	Estimated Unmitigated Emissions (lbs/day)					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
EXISTING GENERAL PLAN DEVELOPMENT POTENTIAL						
Winchester Policy Area						
Area	2,809	558	9,776	26	1,217	1,217
Energy	30	258	123	2	21	21
Mobile	1,450	10,733	19,352	81	6,043	1,655
Total	4,290	11,549	29,251	109	7,282	2,893
Highway 79 Policy Area						
Area	2,087	569	9,968	27	1,242	1,242
Energy	27	231	98	1	19	19
Mobile	681	5,144	9,738	41	3,096	847
Total	2,795	5,944	19,804	69	4,356	2,108
Total Existing General Plan Development Potential Emissions (Winchester Policy Area + Highway 79 Policy Area)						
	7,084	17,493	49,055	177	11,638	5,001
PROPOSED PROJECT GENERAL PLAN DEVELOPMENT POTENTIAL						
Winchester Policy Area						
Area	3,322	744	13,023	35	1,623	1,623
Energy	38	326	149	2	26	26
Mobile	1,261	7,563	17,471	80	6,374	1,734
Total	4,620	8,632	30,643	117	8,023	3,383
Highway 79 Policy Area						
Area	2,266	618	10,823	29	1,349	1,349
Energy	29	251	107	2	20	20
Mobile	621	3,742	9,079	42	3,354	912
Total	2,917	4,611	20,009	72	4,723	2,282
Total Proposed Project General Plan Development Potential Emissions (Winchester Policy Area + Highway 79 Policy Area)						
	7,537	13,243	50,652	189	12,747	5,665
SCAQMD Thresholds						
	55	55	550	150	150	55
Is Threshold Exceeded?						
	Yes	Yes	Yes	Yes	Yes	Yes
<small>lbs = pounds per day Note: Numbers may not add due to rounding. Estimated operational emissions (lbs/day) of the project. Model used buildout date 2023 for conservative, worst-case scenario emissions estimates. Source: CalEEMod version 2020.4.0. Refer to Appendix B for model outputs.</small>						

It is noted that operations associated with future development facilitated by the project would occur in incremental phases over time based upon numerous factors, including market demand, and economic and planning considerations. Quantifying future development's individual operational air emissions is not possible due to project-level variability and uncertainties concerning locations, detailed site plans, etc., among other factors, which are presently unknown. Since these factors can vary so widely (and individual project-related operations would occur over time dependent upon numerous factors), quantifying precise operational emissions and impacts would be impractical. Depending on how development proceeds, operational emissions associated with future development facilitated by the project could exceed SCAQMD thresholds of significance.

As previously noted, the SCAQMD has established methodology protocols for preparation of air quality assessments for individual development projects and General Plan Policy AQ 4.7 requires that projects mitigate, to the extent feasible, anticipated emissions, which could exceed



4.3 Air Quality

SCAQMD thresholds. General Plan Policies OS 16.3 and 16.8 promote the reduction in mobile source emissions by encouraging the use of alternative fuels and locating land uses close to transit centers.

Additionally, General Plan Policies LU 2.1 and AQ 1.1-1.9, 2.3, 2.4, 4.2, 4.3, 4.6, 7.4, 10.4, 15.1, 16.1-16.4, 17.1-17.5, 17.8, and 17.11 promote the reduction of criteria pollutant emission through the development and enforcement of plans, policies, and regulations, and through site placement and design. General Plan Policies LU 8.12, 11.1-11.4, 13.1-13.4, and Policies C 1.2, 1.7, 4.1, 4.8, 9.2, 11.2, 11.4, 11.5, 11.7, 12.2, 13.1, 17.4, and 20.14 also promote the reduction in mobile source emissions by shortening commute distances and encouraging the use of alternate modes of transportation.

Further, General Plan Policies AQ 3.2-3.4, 4.5, 10.1, 10.2, and 10.3 promote the reduction of mobile source emissions through employer and employee education and implementation of transportation demand measures that would reduce VMT. Policies AQ 4.4, 5.2-5.4, 17.9, and 17.10 promote the reduction of criteria pollutants through the use of energy efficiency measures and site design, including use of alternate energy sources for vehicles, heating, and cooling.

Future development facilitated by the project would be subject to compliance with the various General Plan policies outlined above to lessen operational emissions. General Plan Policy AQ 1.4 requires coordination with the SCAQMD to ensure that all elements of air quality plans regarding reduction of air pollutant emissions are being enforced.

Future development facilitated by the project would be subject to site-specific CEQA review and compliance with applicable General Plan policies and SCAQMD rules and regulations to determine if subsequent CEQA documentation or technical analyses are required. The SCAQMD's significance thresholds would be relied upon to determine the significance level of a future development's operational impact. Additionally, the appropriate SCAQMD recommended Basin emissions modeling input parameters would be employed, among other procedures, to evaluate potential operational air quality impacts. Future development would be required to mitigate operational emissions to below SCAQMD's thresholds of significance. A future development with daily operational emissions below SCAQMD thresholds is considered to have a less than significant impact. In addition, individual development projects would be required to comply with energy performance and water efficiency building code requirements established under Title 24 Energy Regulations, which would further reduce criteria air pollutant emissions.

While some individual development projects may be able to incorporate design and reduction features that would reduce emissions to below SCAQMD thresholds, the overall project must be evaluated for significance consideration. Therefore, as the project's long-term air emissions would exceed SCAQMD thresholds for all criteria pollutants (refer to [Table 4.3-6](#)), the project's impacts associated with long-term operational air emissions would remain significant and unavoidable after implementation of mitigation. At a programmatic level, operational emissions would exceed thresholds and impacts would be potentially significant.

Mitigation Measures:

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.



4.3 Air Quality

- 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 stock piles at least three times per day or applies soil stabilizers as necessary to prevent visible dust plumes from these areas. Stock piles 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.

Level of Significance: Significant and Unavoidable Impact.

LOCALIZED EMISSIONS

AQ-3 IMPLEMENTATION OF THE PROPOSED PROJECT COULD EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS.

Impact Analysis

Future development facilitated by the project could expose sensitive receptors to elevated pollutant concentrations during construction or operational activities if it would cause or contribute significantly to elevated levels. Exposure to pollutant concentrations in exceedance of the NAAQS or CAAQS are generally considered substantial.

Localized Significance Thresholds

Localized significance thresholds were developed in response to SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the *Final Localized Significance Threshold Methodology* (dated June 2003 [revised July 2008]) for guidance. The LST methodology assists lead agencies in analyzing localized impacts associated with project-specific level proposed projects. The SCAQMD provides the LST lookup tables based on distance from the project (meters) for one-, two-, and five-acre projects emitting CO, NO_x, PM_{2.5}, or PM₁₀. The LST methodology and associated mass rates are not designed to evaluate localized impacts from mobile sources traveling over the roadways. The SCAQMD recommends that any project over five acres perform air quality dispersion modeling to assess impacts to nearby sensitive receptors.

The project area is located within Sensitive Receptor Area (SRA) 24, Perris Valley. For projects less than 5 acres in size, screening analyses would occur at the time of the development application using the concentrations identified in the LST lookup tables developed by the SCAQMD.



Given the project's programmatic nature, detailed construction phasing, equipment and intensities are not available for the future developments. Further, the exact size and location of future development is unknown because no specific development projects are proposed. Therefore, project-level analysis for impacts to sensitive receptors and population groups cannot be accurately determined using LST analysis and would be inappropriate under the SCAQMD's LST methodology, because specific acreages, uses, and distances to sensitive receptors are required to calculate localized pollutant concentrations at sensitive receptors. Sensitive population groups include children, the elderly, the acutely ill and the chronically ill, especially those with cardio-respiratory diseases. Sensitive receptors are those areas where sensitive populations may be for extended periods of time, resulting in sustained exposure to any pollutants present.

Each individual future development facilitated by the project would be subject to review for potential LSTs because the emissions concerning project areawide sensitive receptors cannot be determined. Future analyses would be required to include an LST evaluation using the screening level analysis for projects at or under 5.0 acres in size and a more detailed analysis for developments over 5.0 acres. Although the project does not propose specific development developments, it can be assumed that various sizes and types of developments would be developed. Due to the increased density seen for the proposed land uses and desired proximity of residential land uses to both transit and commercial centers, it can be assumed that both construction and operation of future uses could occur relatively close to sensitive receptors such as residences or schools. Thus, effects of project emissions on sensitive receptors throughout the County must be considered significant and unavoidable.

Local Carbon Monoxide Concentration

Areas with high vehicle density, such as congested intersections, have the potential to create high concentrations of CO, known as CO hotspots. A project's localized air quality impact is considered significant if CO emissions create a hotspot where either the California one-hour standard of 20 ppm or the federal and State eight-hour standard of 9.0 ppm is exceeded. This typically occurs at severely congested intersections (level of service [LOS] E or worse). During the project's future 2040 horizon year, several intersections in the project area are anticipated to operate at LOS E or worse. However, County Ordinance No. 726 (Transportation Demand Management for New Development) requires the County to maintain or achieve minimum Level of Service of "C" for all new development projects. Additionally, the regional air basin has been in attainment for the federal CO standards since 2007. Because project area intersections would operate at acceptable levels of service (LOS D or better) and the SCAB has historically been in CO attainment, the project would not result in the creation of CO hotspots or expose sensitive receptors to substantial pollutant concentrations; therefore, impacts would be less than significant.

Toxic Air Contaminants

Typical TAC sources include freeways/heavy-traffic roadways, industrial uses, and railroads/railroad stations. Future development facilitated by the project is not anticipated to include potential stationary TAC sources, such as diesel-powered emergency-use power generators, given it is primarily residential. The type and level of TAC emissions emitted generally



depend upon the land use's nature and the specific methods and operations that involve TACs. Pursuant to SCAQMD rules and regulations, including SCAQMD Rule 1401, major stationary sources having the potential to emit TACs would be required to obtain permits from the SCAQMD. Permits may be issued provided the source is constructed and operated in accordance with applicable SCAQMD rules and regulations. Given that compliance with applicable standards and regulations would be required, TAC emissions from new major stationary sources, if any, would not be anticipated to result in an increased risk to nearby sensitive receptors that would exceed applicable significance thresholds.

The carcinogenic risk from air toxics in the Basin, based on average concentrations at the fixed monitoring locations, is about 420 per million (a reduction from the 1,200 per million in the MATES III study). MATES IV modeling predicted an excess cancer risk of 361 in one million for the project area.⁴ This risk refers to the expected number of additional cancers in a population of one million individuals that are exposed over a 70-year lifetime. Under the MATES IV methodology, approximately 68 percent of the risk is attributed to diesel particulate emissions. This is a lower portion of the overall risk compared to the MATES III estimate of about 84 percent. Approximately 90 percent of the risk is attributed to emissions associated with mobile sources, with the remainder attributed to toxics emitted from stationary sources, which include large industrial operations such as refineries and metal processing facilities, as well as smaller businesses such as gas stations and chrome plating. Overall, the MATES IV Study found a decreasing risk for air toxics exposure compared to previous MATES studies. Additionally, the MATES IV study found an estimated Basin-wide population-weighted risk reduced by 57 percent from the MATES III Study, which includes the City. Additionally, the ambient air toxics data from the ten fixed monitoring sites demonstrated a reduction in air toxic levels and risks.

CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* recommends against siting sensitive receptors within 500 feet of a freeway, urban roads with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day. The primary concern with respect to heavy-traffic roadway adjacency is the long-term effect of TACs, such as diesel exhaust particulates, on sensitive receptors. The primary source of diesel exhaust particulates is heavy-duty trucks on freeways and high-volume arterial roadways. State Route 79 (SR-79) and State Route 74 (SR-74) both transverse the project area. However, within the project area, SR-79 carries up to 25,000 vehicles per day and SR-74 carries up to 33,500 vehicles per day, which are far below the 100,000 vehicles per day threshold for determining TACs on urban roads. Therefore, significant health risks to future developments facilitated by the project due to diesel exhaust particulates from roadway sources would not be anticipated.

Criteria Pollutant Health Effects

In December 2018, the California Supreme Court issued its decision in *Sierra Club v. County of Fresno* (6 Cal. 5th 502) (hereafter referred to as the Friant Ranch Decision). The case reviewed the long-term, regional air quality analysis contained in the Friant Ranch Program EIR. The Friant

4 South Coast Air Quality Management District, *MATES IV Estimated Risk*, <https://scaqmd-online.maps.arcgis.com/apps/webappviewer/index.html?id=470c30bc6daf4ef6a43f0082973ff45f>, accessed June 11, 2021.



Ranch Project is a 942-acre master-plan development in unincorporated Fresno County within the San Joaquin Valley Air Basin, an air basin currently in nonattainment for the ozone and PM_{2.5} NAAQS and CAAQS. The Court found that the air quality analysis was inadequate because it failed to provide enough detail “for the public to translate the bare [criteria pollutant emissions] numbers provided into adverse health impacts or to understand why such a translation is not possible at this time.” The Court’s decision clarifies that environmental documents must connect a Project’s air quality impacts to specific health effects or explain why it is not technically feasible to perform such an analysis.

NO_x and ROG are precursor emissions that form ozone in the atmosphere in the presence of sunlight where the pollutants undergo complex chemical reactions. It takes time and the influence of meteorological conditions for these reactions to occur, so ozone may be formed at a distance downwind from the sources. Breathing ground-level ozone can result health effects that include: reduced lung function, inflammation of airways, throat irritation, pain, burning, or discomfort in the chest when taking a deep breath, chest tightness, wheezing, or shortness of breath. In addition to these effects, evidence from observational studies strongly indicates that higher daily ozone concentrations are associated with increased asthma attacks, increased hospital admissions, increased daily mortality, and other markers of morbidity. The consistency and coherence of the evidence for effects upon asthmatics suggests that ozone can make asthma symptoms worse and can increase sensitivity to asthma triggers.

All criteria pollutants that would be generated by the future development facilitated by the project are associated with some form of health risk (e.g., asthma). The potential for pollutants to affect public health depends on a multitude of variables, including how they are dispersed and transported in the atmosphere. As discussed above, both project construction and operations would most likely exceed thresholds and generate regional ozone precursors (ROG and NO_x) and PM emissions.

Adverse health effects induced by regional criteria pollutant emissions generated by future development facilitated by the project (ozone precursors and PM) would be highly dependent on a multitude of interconnected variables (e.g., cumulative concentrations, local meteorology and atmospheric conditions, the number and character of exposed individuals [e.g., age, gender]). For these reasons, ozone precursors (ROG and NO_x) contribute to the formation of ground-borne ozone on a regional scale, where emissions of ROG and NO_x generated in one area may not equate to a specific ozone concentration in that same area. Similarly, some types of particulate pollutants may be transported over long distances or formed through atmospheric reactions. As such, the magnitude and locations of specific health effects from exposure to increased ozone or regional particulate matter concentrations are the product of emissions generated by numerous sources throughout a region, as opposed to a single individual development.

As noted above in Impact Statement AQ-1, the project would reduce employment by 10,055 jobs and increase residential population by 35,139 persons from what is currently planned within the project area. Therefore, project implementation could increase the County population by one percent in the 2045 horizon year. This population increase would be within SCAG’s forecasted population for the County of 759,000 between 2020 and 2045. The AQMP is the primary tool used by the SCAQMD to plan for NAAQS attainment and to reduce criteria pollutant health



effects. As such, while the project would result in unplanned growth/unaccounted for growth in the General Plan and growth projections used by the SCAQMD to develop the AQMP, it is not considered substantial in the context of the County overall. Additionally, [Table 4.3-6](#) shows the project would increase ROG by 6 percent but would reduce NO_x by 24 percent below emissions levels associated with current General Plan development potential.

Future development anticipated by the project would not directly emit ozone. However, future development would add significant concentrations of NO_x and ROGs to the atmosphere, which when combined in the presence of sunlight can result in increased ozone concentrations. Currently all three air basins are in severe non-attainment for ozone. Information on health impacts related to exposure to ozone and particulate matter emissions published by the U.S. EPA and CARB have been summarized above and discussed in the Regulatory Framework section. Health studies are used by these agencies to set the federal and State AAQS. The project has the potential to indirectly result in increased concentrations of ozone and could result in health impacts including breathing pattern changes, reduction of breathing capacity, increased susceptibility to infections, inflammation of lung tissue and immunological changes. Elevated ozone levels are associated with increased school absences.

Mitigation Measure AQ-8 would require minimum distances between potentially incompatible land uses utilizing SCAQMD standards. However, because this impact may adversely affect the health of individuals, the impact is considered significant and unavoidable.

Mitigation Measures:

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.

Level of Significance: Significant and Unavoidable Impact.

ODOR IMPACTS

AQ-4 IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN OTHER EMISSIONS (SUCH AS THOSE LEADING TO ODORS) ADVERSELY AFFECTING A SUBSTANTIAL NUMBER OF PEOPLE.

Impact Analysis

Construction

Odors that could be generated by construction activities are required to follow SCAQMD Rule 402 to prevent odor nuisances on sensitive land uses. SCAQMD Rule 402, Nuisance, states:



A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

During construction of future development facilitated by the project, emissions from construction equipment, such as diesel exhaust, and volatile organic compounds from architectural coatings and paving activities could generate odors. However, these odors would be temporary, are not expected to affect a substantial number of people and would disperse rapidly. Therefore, a less than significant impact would occur in this regard.

Operations

According to the SCAQMD *CEQA Air Quality Handbook*, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. Subsequent land use activities associated with implementation of the proposed project may allow the construction of sensitive land uses near existing or future sources of odorous emissions. Future development in the vicinity of existing agricultural uses could expose future residents to agricultural odors such as manures or fertilizers. While agricultural odors typically do not pose a health risk, they can still be strong enough to prove a nuisance. However, based on the County's Right-to-Farm ordinance, agricultural uses that have been operated for more than three years cannot be reclassified as a public or private nuisance by new development. The County's Right-to-Farm Ordinance would also make provisions for development near existing uses that have the potential to cause odors, such as agricultural uses. Additionally, Mitigation Measure AQ-9 ensures that the County maintains adequate buffers between odor sources and sensitive receptors.

With implementation of Mitigation Measure AQ-9, impacts would be less than significant.

Mitigation Measures:

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 odor source). As indicated by the Right-to-Farm ordinance, agricultural uses that have been operated for more than three years cannot be reclassified as a public or private nuisance by new development.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.



4.3.5 SIGNIFICANT UNAVOIDABLE IMPACTS

Significant unavoidable air quality impacts would occur as a result of the proposed project with respect to conflicts with applicable air quality plans, net increases to criteria pollutants, and exposure of sensitive receptors to substantial pollutant concentration.



4.4 BIOLOGICAL RESOURCES

The purpose of this section is to describe the existing regulatory setting and environmental conditions as they relate to biological resources, identify potential impacts that could result from project implementation, and as necessary, recommend mitigation to avoid or reduce the significance of impacts.

Information in this section is based primarily on the following sources:

- *County of Riverside General Plan*
- *Western Riverside County Multiple Species Habitat Conservation Program* (Western Riverside County MSCHP)
- California Department of Fish and Game Natural Diversity Database
- U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory
- U.S. Fish and Wildlife Service (USFWS) Critical Habitat and Occurrence Data
- California Natural Diversity Database (CNDDDB)
- California Native Plant Society (CNPS) Inventory of Rare, Threatened, and Endangered Plants of California

4.4.1 EXISTING SETTING

VEGETATION COMMUNITIES

Sensitive vegetation communities are communities that are of highly limited distribution and are those identified by the Western Riverside County MSHCP and/or those considered sensitive by resource agencies (i.e., California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS)). Reasons for the sensitive status of vegetation communities include restricted range, regional cumulative losses, and a high number of endemic sensitive plant and wildlife species that occur in the vegetation communities. These communities are considered sensitive whether or not they have been disturbed.

The project area's vegetation communities are shown in [Exhibit 4.4-1, *Existing Vegetation*](#). Sensitive vegetation communities include chaparral, coastal sage scrub, grassland, playas and vernal pools, riparian scrub/woodland/forest, Riversidean Alluvial Fan Sage Scrub (RAFSS) and woodlands/forests. As shown in [Exhibit 4.4-1](#), most of the project area is classified as a "agricultural land" without sensitive vegetation. The vegetation communities present within the project area are described as follows:

Chaparral

The Riverside County General Plan defines the chaparral as a shrub-dominated community composed largely of evergreen species that range from 8 to 15 feet in height. Common shrub



species in chaparral include chamise (*Adenostoma fasciculatum*), manzanita (*Arctostaphylos* spp.), wild-lilac (*Ceanothus* spp.), oak (*Quercus* spp.), redberry (*Rhamnus* spp.), laurel sumac (*Malosma laurina*), mountain-mahogany (*Cercocarpus betuloides*), toyon (*Heteromeles arbutifolia*) and mission manzanita (*Xylococcus bicolor*). Common species of soft-leaved subshrubs in chaparral include California buckwheat (*Eriogonum fasciculatum*), sages (*Salvia* spp.), California sagebrush (*Artemisia californica*) and monkeyflower (*Mimulus* spp.). Common herbaceous species in chaparral include deerweed (*Lotus scoparius*), nightshade (*Solanum* spp.), Spanish bayonet (*Yucca whipplei*), rock-rose (*Helianthemum scoparium*), onion (*Allium* spp.), soap plant (*Chlorogalum* spp.), bunch grasses (*Nassella* and *Melica* spp.), wild cucumber (*Marah* spp.), bedstraw (*Galium* spp.) and lupine (*Lupinus* spp.).

Coastal Sage Scrub

Coastal sage scrub is distributed throughout western Riverside County including the project area. Coastal sage scrub is comprised of low-growing, drought-deciduous shrubs. Common shrub species found in coastal sage scrub include California sagebrush, California buckwheat, laurel sumac (*Malosma laurina*), California encelia (*Encelia californica*) and several species of sage (e.g., *Salvia mellifera*, *S. apiana*). Other common species include brittlebush (*E. farinosa*), lemonadeberry (*Rhus integrifolia*), sugarbush (*R. ovata*), yellow bush penstemon (*Keckiella antirrhinoides*), Mexican elderberry (*Sambucus mexicana*), sweetbush (*Bebbia juncea*), box-thorn (*Lycium* spp.), shore cactus (*O. littoralis*), coastal cholla (*Opuntia prolifera*), tall prickly-pear (*O. oricola*) and species of *Dudleya*.

Grasslands

Grasslands occur throughout most of western Riverside County including the project area. Annual grassland may consist of native and non-native grassland. Native grasslands often have a large component of non-native grasses but are typically distinguished as native grasslands if the percent cover by native grass species is 20 percent or greater. Non-native grasslands occur throughout most of the region, usually near urbanized or agricultural land uses and within the project area. Non-native grasses may include, but are not limited to, bromes, wild oats, and ryegrass.

Playas and Vernal Pools

Within western Riverside County, playa and vernal pool communities are generally found in the San Jacinto Valley/Perris Basin and on the Santa Rosa Plateau. Vernal pools are ephemeral wetlands that form in shallow depressions underlain by a substrate near the surface that restricts the downward percolation of water. Depressions in the landscape with no outlets fill with rainwater and runoff enters from adjacent areas during the winter. The depressions may remain inundated until spring or early summer, sometimes drying more than once during the wet season. Smaller pools can fill and dry. Larger pools can hold water longer and may, in the deeper portions, support species more representative of freshwater marshes. The term 'playa' is also loosely associated with vernal pool communities because of a similar morphology. Playas are usually dry and nearly level lake plains that occupy the lowest parts of closed depressions, such as those occurring on montane or intermontane basis floors. In them, temporary ponding occurs due to precipitation runoff events, leading to a succession of plant growth similar to that of vernal pools.



Vernal pools are well-known for their high level of endemism (occurring only in small areas) and abundance of rare, threatened or endangered species. Many vernal pools are characterized by concentric rings of plants that flower sequentially as the pools dry. Vernal pools are dominated by native annual plants with low to moderate levels of perennial herbaceous cover. Common vernal pool plant species in western Riverside County include woolly marbles (*Psilocarphus brevissimus*), toad rush (*Juncus bufonius*) and spike rush (*Eleocharis* spp.). In addition, the following sensitive or listed plant species are found in one or more of these pools: California Orcutt grass (*Orcuttia californica*), Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*), little mousetail (*Myosurus minimus* ssp. *apus*), spreading navarretia (*Navarretia fossalis*), low navarretia (*N. prostrata*), Orcutt's brodiaea (*Brodiaea orcuttii*), thread-leaved brodiaea (*B. filifolia*), Parish brittlescale (*Atriplex parishii*), Parish meadowfoam (*Limnanthes gracilis* ssp. *parishii*), San Diego button-celery (*Eryngium aristulatum* var. *parishii*), Wright's trichocoronis (*Trichocoronis wrightii* var. *wrightii*), San Jacinto Valley crownscale (*Atriplex coronata* var. *notatior*) and smooth tarplant (*Hemizonia pungens* ssp. *laevis*). The Santa Rosa Plateau fairy shrimp (*Linderiella santarosae*) occurs only in western Riverside County. The Santa Rosa Plateau vernal pools also feature the southernmost record for the vernal pool fairy shrimp (*Branchinecta lynchi*).

Riparian Scrub/Woodland/Forest

Riparian zones are the interface between land and a river or stream. Riparian communities are typically associated with ephemeral and perennial streams and drainages. Riparian forests are typically densely vegetated by riparian tree species, with dense shrubs or herbaceous vegetation in the understory. Riparian woodland is characterized by a more open canopy of riparian trees and shrubs. Riparian vegetation, including forest, woodland and scrub subtypes, is distributed in drainages throughout the project area. Riparian communities typically consist of one or more deciduous tree species with an assorted understory of shrubs and herbs. The Riverside County General Plan notes this community can be dominated by any of several trees or shrubs, including box elder (*Acer negundo*), big-leaf maple (*A. macrophyllum*), coast live oak (*Quercus agrifolia*), white alder (*Alnus rhombifolia*), sycamore (*Platanus racemosa*), Fremont's cottonwood (*Populus fremontii*), California walnut (*Juglans californica*), Mexican elderberry (*Sambucus mexicana*), wild grape (*Vitis girdiana*), giant reed (*Arundo donax*), mulefat (*Baccharis salicifolia*), tamarisk (*Tamarix* spp.) or any of several species of willow (*Salix* spp.). In addition, various understory herbs may be present, such as salt grass (*Distichlis spicata*), wild cucumber (*Marah macrocarpus*), mugwort (*Artemisia douglasiana*), stinging nettle (*Urtica dioica*) and poison oak (*Toxicodendron diversilobum*).

Riversidean Alluvial Fan Sage Scrub

Riversidean alluvial fan sage scrub (RAFSS) is considered a sensitive plant community and is listed by CDFW as rare. RAFSS is a vegetation type in which scale broom (*Lepidospartum squamatum*) is dominant, co-dominant, or conspicuous in the shrub canopy. Scale broom, an aster family member, is a long lived, deep-rooted shrub found in riverine or alluvial soils, often in dry washes. This community is composed of a variety of drought-deciduous subshrubs and large evergreen woody shrubs. In addition to scale broom, woody shrubs such as white sage (*Salvia apiana*), redberry (*Rhamnus crocea*), flat-top buckwheat (*Eriogonum fasciculatum*), our lord's candle (*Yucca whipplei*), California croton (*Croton californicus*), cholla (*Opuntia* spp.), tarragon



(*Artemisia dracuncululus*), yerba santa (*Eriodictyon* spp.), mulefat (*Baccharis salicifolia*) and mountain-mahogany (*Cercocarpus betuloides*).

Woodlands/Forests

Small patches of the woodland and forest community exists within the project area. According to the Riverside County General Plan, woodland and forest communities are dominated by Englemann oak (*Quercus englemannii*), coast live oak (*Q. agrifolia*), canyon live oak (*Q. chrysolepis*), interior live oak (*Q. wislizenii*) and black oak (*Q. kelloggii*). The communities' canopy may be continuous to intermittent or savannah-like. Four-needle pinyon (*Pinus quadrifolia*), single-leaf pinyon pine (*P. monophylla*) and California juniper (*Juniperus californica*) are the canopy species most commonly associated with peninsular juniper woodland; they form a scattered canopy from 10 to 50 feet tall and generally occur on ridges and slopes slightly above the lowlands. Many understory plants in these woodlands are shade tolerant and include wild blackberry (*Rubus ursinus*), snowberry (*Symphoricarpos mollis*), California walnut (*Juglans californica*), California-lilac (*Ceanothus* spp.), *Rhus* spp., currant (*Ribes* spp.), toyon (*Heteromeles arbutifolia*), California bay (*Umbellularia californica*), manzanita (*Arctostaphylos* spp.), laurel sumac (*Malosma laurina*), poison-oak (*Toxicodendron diversilobum*) and herbaceous plants including bracken fern (*Pteridium aquilinum*), polypody fern (*Polypodium californicum*), fiesta flower (*Pholistorma auritum*) and miner's lettuce (*Claytonia perfoliata*). A variety of grasses and soft shrubs also are commonly found in these communities.

Agricultural Land

Agricultural land may be defined broadly as land used primarily for production of food and fiber. This may include intensive agriculture uses such as nurseries and greenhouses or extensive agriculture such as pastures. As discussed in [Section 4.2, Agriculture and Forestry Resources](#), there are approximately 85.6 acres of agricultural land within the project area.

Developed and Disturbed Land

Developed land includes areas that contain buildings, paved roads, parking lots, and/or landscaping. Disturbed land consists of areas that have been previously disturbed and no longer function as a native or naturalized vegetation community. Vegetation, if present, is dominated by opportunistic non-native forb species. Vegetation may also include ornamental species.

Wetlands

Wetlands are ecosystems that flood with water, either permanently or seasonally. Wetlands may occur in channels, floodplains, seeps, springs, and along the margins of open bodies of freshwater (e.g., ponds, lakes). Wetlands occur in areas that receive permanent or periodic inundation and are typically dominated by hydrophytic plant species. They may also contain soils that contain morphological characteristics that indicate saturation. As shown in [Exhibit 4.4-2, Existing Wetlands](#), in addition to Diamond Valley Lake and Skinner Reservoir, limited wetlands are dispersed throughout the project area.



WILDLIFE CORRIDORS

Habitat linkages and wildlife corridors are defined as areas that connect suitable wildlife habitat in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. Natural features such as canyon drainages, ridgelines, or areas with vegetation cover provide corridors for wildlife travel. Habitat linkages and wildlife corridors are important because they provide access to mates, food, and water; allow the dispersal of individuals away from high population density areas; and facilitate the exchange of genetic traits between populations. Wildlife movement corridors are considered sensitive by resource and conservation agencies.

The Western Riverside County MSHCP, describes a system of corridors and linkages that have been established to accommodate wildlife movement within western Riverside County's open areas. The MSHCP includes core areas and noncontiguous habitat blocks linked together. These are described in more detail within the Western Riverside County MSHCP, Section 3.2.3, *Cores and Linkages within the MSHCP Conservation Area*. The MSHCP identifies various wildlife corridors within the project area in MSHCP Exhibit 3-2, *Schematic Cores and Linkages Map in the MSHCP*. However, additional site-specific field study is needed to confirm presence/absence of wildlife corridors within the project area.

SPECIAL STATUS PLANT SPECIES

A special status plant species is: (1) listed by State or Federal agencies as threatened or endangered or are proposed for listing (State of California 2015b, 2015c, 2015d); or (2) on California Rare Plant Rank 1B (considered endangered throughout its range) or California Rare Plant Rank 2 (considered endangered in California but more common elsewhere) of the California Native Plant Society Inventory of Rare and Endangered Vascular Plants of California ([Inventory]; 2014). Noteworthy plant species are those that are on California Rare Plant Rank 3 (more information about the plant's distribution and rarity needed) and California Rare Plant Rank 4 (plants of limited distribution) of the CNPS Inventory (2014). Special-status plant species from the CNDDDB records within the project area are presented in Table 4.4-1, *Special Status Species within the Project Area*.

SPECIAL-STATUS WILDLIFE

Special-status wildlife species are known to historically occur within the project area. Special-status wildlife species from the CNDDDB records within the project area are presented in Table 4.4-1.



Table 4.4-1: Special Status Species within the Project Area

Common Name	Scientific Name	Presence	Site Date	Federal Listing	State Listing	Rare Plant Rank	CDFW Status	Other Status
Plants								
chaparral sand-verbena	<i>Abronia villosa var. aurita</i>	Presumed Extant	2006 0627	None	None	1B.1		BLM_S; SB_CalBG/RSABG; USFS_S
Munz's onion	<i>Allium munzii</i>	Presumed Extant	2015 0506	Endangered	Threatened	1B.1		SB_CalBG/RSABG
San Diego ambrosia	<i>Ambrosia pumila</i>	Presumed Extant	2017 0517	Endangered	None	1B.1		SB_CRES
San Jacinto Valley crownscale	<i>Atriplex coronata var. notatior</i>	Presumed Extant	2015 0402	Endangered	None	1B.1		SB_CalBG/RSABG
Parish's brittlescale	<i>Atriplex parishii</i>	Presumed Extant	2006 0516	None	None	1B.1		SB_CRES; USFS_S
Davidson's saltscale	<i>Atriplex serenana var. davidsonii</i>	Presumed Extant	2015 0217	None	None	1B.2		SB_CalBG/RSABG
thread-leaved brodiaea	<i>Brodiaea filifolia</i>	Presumed Extant	2006 0515	Threatened	Endangered	1B.1		SB_CalBG/RSABG; SB_CRES
Payson's jewelflower	<i>Caulanthus simulans</i>	Presumed Extant	1902 04-*	None	None	4.2		USFS_S
smooth tarplant	<i>Centromadia pungens ssp. laevis</i>	Extirpated	1989 0705	None	None	1B.1		SB_CalBG/RSABG
smooth tarplant	<i>Centromadia pungens ssp. laevis</i>	Presumed Extant	1989 0706	None	None	1B.1		SB_CalBG/RSABG
smooth tarplant	<i>Centromadia pungens ssp. laevis</i>	Presumed Extant	2009 0515	None	None	1B.1		SB_CalBG/RSABG



Table 4.4-1: Special Status Species within the Project Area, continued

Common Name	Scientific Name	Presence	Site Date	Federal Listing	State Listing	Rare Plant Rank	CDFW Status	Other Status
Parry's spineflower	<i>Chorizanthe parryi</i> var. <i>parryi</i>	Presumed Extant	1992 0423	None	None	1B.1		BLM_S; SB_CalBG/RSABG; USFS_S
long-spined spineflower	<i>Chorizanthe polygonoides</i> var. <i>longispina</i>	Presumed Extant	2006 0725	None	None	1B.2		BLM_S; SB_CalBG/RSABG; SB_CRES
Wiggins' cryptantha	<i>Cryptantha wigginsii</i>	Presumed Extant	2012*	None	None	1B.2		
Palmer's grapplinghook	<i>Harpagonella palmeri</i>	Presumed Extant	1989 0410	None	None	4.2		SB_CalBG/RSABG; SB_CRES
Coulter's goldfields	<i>Lasthenia glabrata</i> ssp. <i>coulteri</i>	Presumed Extant	2017 0323	None	None	1B.1		BLM_S; SB_CalBG/RSABG; SB_SBBG
Robinson's pepper-grass	<i>Lepidium virginicum</i> var. <i>robinsonii</i>	Presumed Extant	1998 0604	None	None	4.3		
spreading navarretia	<i>Navarretia fossalis</i>	Presumed Extant	2006 0518	Threatened	None	1B.1		SB_CalBG/RSABG; SB_CRES
California Orcutt grass	<i>Orcuttia californica</i>	Presumed Extant	2001 0908	Endangered	Endangered	1B.1		SB_CalBG/RSABG; SB_CRES
Southern Cottonwood Willow Riparian Forest	Southern Cottonwood Willow Riparian Forest	Presumed Extant	1980 0504	None	None			
little mouseltail	<i>Myosurus minimus</i> ssp. <i>apus</i>	Presumed Extant	1991 0509	None	None	3.1		SB_CRES
Amphibians								
western pond turtle	<i>Emys marmorata</i>	Possibly Extirpated	1987*	None	None		SSC	BLM_S; IUCN_VU; USFS_S



Table 4.4-1: Special Status Species within the Project Area, continued

Common Name	Scientific Name	Presence	Site Date	Federal Listing	State Listing	Rare Plant Rank	CDFW Status	Other Status
western spadefoot	<i>Spea hammondi</i>	Presumed Extant	2003 0312	None	None		SSC	BLM_S; IUCN_NT
Birds								
Cooper's hawk	<i>Accipiter cooperii</i>	Presumed Extant	2006 0601	None	None		WL	IUCN_LC
tricolored blackbird	<i>Agelaius tricolor</i>	Presumed Extant	2015 0420	None	Threatened		SSC	BLM_S; IUCN_EN; NABCI_RWL; USFWS_BCC
southern California rufous-crowned sparrow	<i>Aimophila ruficeps canescens</i>	Presumed Extant	2006*	None	None		WL	
Bell's sage sparrow	<i>Artemisiospiza belli belli</i>	Presumed Extant	2006*	None	None		WL	USFWS_BCC
burrowing owl	<i>Athene cunicularia</i>	Presumed Extant	2009 0710	None	None		SSC	BLM_S; IUCN_LC; USFWS_BCC
ferruginous hawk	<i>Buteo regalis</i>	Presumed Extant	2006 0110	None	None		WL	IUCN_LC; USFWS_BCC
northern harrier	<i>Circus hudsonius</i>	Presumed Extant	1989 0314	None	None		SSC	IUCN_LC
northern harrier	<i>Circus hudsonius</i>	Presumed Extant	2006 0425	None	None		SSC	IUCN_LC
white-tailed kite	<i>Elanus leucurus</i>	Presumed Extant	1999 0323	None	None		FP	BLM_S; IUCN_LC
California horned lark	<i>Eremophila alpestris actia</i>	Presumed Extant	1998 0428	None	None		WL	IUCN_LC



Table 4.4-1: Special Status Species within the Project Area, continued

Common Name	Scientific Name	Presence	Site Date	Federal Listing	State Listing	Rare Plant Rank	CDFW Status	Other Status
bald eagle	<i>Haliaeetus leucocephalus</i>	Presumed Extant	1997*	Delisted	Endangered		FP	BLM_S; CDF_S; IUCN_LC; USFS_S; USFWS_BCC
loggerhead shrike	<i>Lanius ludovicianus</i>	Presumed Extant	2005*	None	None		SSC	IUCN_LC; USFWS_BCC
coastal California gnatcatcher	<i>Poliioptila californica californica</i>	Presumed Extant	2001 0703	Threatened	None		SSC	NABCI_YWL
least Bell's vireo	<i>Vireo bellii pusillus</i>	Presumed Extant	2016 0623	Endangered	Endangered			IUCN_NT; NABCI_YWL
Invertebrates								
Crotch bumble bee	<i>Bombus crotchii</i>	Presumed Extant	1946 0722	None	Candidate Endangered			
quino checkerspot butterfly	<i>Euphydryas editha quino</i>	Presumed Extant	1998*	Endangered	None			
Icenogle's socialchemmis spider	<i>Socalchemmis icenoglei</i>	Presumed Extant	1971 1103	None	None			
Icenogle's socialchemmis spider	<i>Socalchemmis icenoglei</i>	Presumed Extant	1997 1211	None	None			
vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	Presumed Extant	2005 0125	Threatened	None			IUCN_VU
Riverside fairy shrimp	<i>Streptocephalus woottoni</i>	Presumed Extant	2002 0608	Endangered	None			IUCN_EN
Reptiles								
orange-throated whiptail	<i>Aspidoscelis hyperythra</i>	Presumed Extant	1990 0613	None	None		WL	IUCN_LC; USFS_S



Table 4.4-1: Special Status Species within the Project Area, continued

Common Name	Scientific Name	Presence	Site Date	Federal Listing	State Listing	Rare Plant Rank	CDFW Status	Other Status
coastal whiptail	<i>Aspidoscelis tigris stejnegeri</i>	Presumed Extant	1999 0818	None	None		SSC	
San Diego banded gecko	<i>Coleonyx variegatus abbotti</i>	Presumed Extant	1999 0818	None	None		SSC	
red-diamond rattlesnake	<i>Crotalus ruber</i>	Presumed Extant	2006*	None	None		SSC	USFS_S
coast horned lizard	<i>Phrynosoma blainvillii</i>	Presumed Extant	2003 0423	None	None		SSC	BLM_S; IUCN_LC
Mammals								
Dulzura pocket mouse	<i>Chaetodipus californicus femoralis</i>	Presumed Extant	1993 0708	None	None		SSC	
northwestern San Diego pocket mouse	<i>Chaetodipus fallax fallax</i>	Presumed Extant	1994 0730	None	None		SSC	
San Bernardino kangaroo rat	<i>Dipodomys merriami parvus</i>	Presumed Extant	1938 0108	Endangered	Candidate Endangered		SSC	
Stephens' kangaroo rat	<i>Dipodomys stephensi</i>	Presumed Extant	1994 0730	Endangered	Threatened			IUCN_EN
western yellow bat	<i>Lasiurus xanthinus</i>	Presumed Extant	1987 0819	None	None		SSC	IUCN_LC; WBWG_H
San Diego black-tailed jackrabbit	<i>Lepus californicus bennettii</i>	Presumed Extant	2006*	None	None		SSC	
southern grasshopper mouse	<i>Onychomys torridus ramona</i>	Presumed Extant	1932 0926	None	None		SSC	
Los Angeles pocket mouse	<i>Perognathus longimembris brevinasus</i>	Presumed Extant	1993 0629	None	None		SSC	



Table 4.4-1: Special Status Species within the Project Area, continued

<p>* No Specific Date Recorded</p> <p>Notes:</p> <p>Presence: Refers to the condition of the occurrence at the site when it was last observed. The possible values for Presence are:</p> <p>Presumed Extant: The most common entry. An occurrence is presumed to still be in existence until evidence to the contrary is received by the CNDDDB.</p> <p>Possibly Extirpated: Evidence of habitat destruction or population extirpation has been received by the CNDDDB for this site, but questions remain as to whether the element still exists.</p> <p>Extirpated: Only used when the element has been searched for but not seen for many years or when the habitat is destroyed at this site.</p> <p>Federal Listing Status: The United States legal status under the Federal Endangered Species Act (ESA).</p> <p>Endangered: The classification provided to an animal or plant in danger of extinction within the foreseeable future throughout all or a significant portion of its range.</p> <p>Threatened: The classification provided to an animal or plant which is likely to become an Endangered species within the foreseeable future throughout all or a significant portion of its range.</p> <p>Proposed Endangered: The classification provided to an animal or plant that is proposed for Federal listing as Endangered in the Federal Register under Section 4 of the Endangered Species Act.</p> <p>Proposed Threatened: The classification provided to an animal or plant that is proposed for Federal listing as Threatened in the Federal Register under Section 4 of the Endangered Species Act.</p> <p>Candidate: The classification provided to an animal or plant that has been studied by the United States Fish and Wildlife Service, and the Service has concluded that it should be proposed for addition to the Federal Endangered and Threatened species list.</p> <p>None: The plant or animal has no Federal status.</p> <p>Delisted: The plant or animal was previously listed as Endangered or Threatened, but is no longer listed on the Federal Endangered and Threatened species list.</p> <p>State Listing Status: The State of California legal status.</p> <p>Endangered: The classification provided to a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.</p> <p>Threatened: The classification provided to a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of special protection and management efforts.</p> <p>Rare: The classification provided to a native plant species, subspecies, or variety when, although not presently threatened with extinction, it is in such small numbers throughout its range that it may become endangered if its present environment worsens. This designation stems from the Native Plant Protection Act of 1977.</p> <p>None: The plant or animal has no state status.</p> <p>Delisted: The plant or animal was previously listed as Endangered, Threatened or Rare but is no longer listed by the State of California.</p> <p>Candidate Endangered: The classification provided to a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the Fish and Game Commission has formally noticed as being under review by the Department of Fish and Wildlife for addition to the list of endangered species, or a species for which the commission has published a notice of proposed regulation to add the species to the list of endangered species.</p> <p>Candidate Threatened: The classification provided to a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the Fish and Game Commission has formally noticed as being under review by the Department of Fish and Wildlife for addition to the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to the list of threatened species.</p> <p>Rare Plant Rank:</p> <p>1A: Presumed extirpated or extinct because they have not been seen or collected in the wild in California for many years</p> <p>1B: Rare throughout their range with the majority of them endemic to California</p> <p>2A: Presumed extirpated because they have not been observed or documented in California for many years</p> <p>2B: Except for being common beyond the boundaries of California, plants with a California Rare Plant Rank of 2B would have been ranked 1B.</p> <p>3: Lack the necessary information to assign them to one of the other ranks or to reject them</p> <p>4: Are of limited distribution or infrequent throughout a broader area in California, and their status should be monitored regularly</p>



Table 4.4-1: Special Status Species within the Project Area, continued

<p>Other Status: BLM: Bureau of Land Management: S – Sensitive CDF: California Department of Forestry & Fire Protection: S – Sensitive IUCN: International Union for the Conservation of Nature: EN – Endangered; LC - Least Concern; NT - Near Threatened; VU – Vulnerable NABCI: North American Bird Conservation Initiative: RWL - Red Watch List; YWL - Yellow Watch List SB: Seed Banked: CRES - San Diego Zoo CRES Native Gene Seed Bank; RSABG - Rancho Santa Ana Botanic Garden; CalBG – California Botanic Garden USFS: United States Forest Service: S – Sensitive USFWS: United States Fish & Wildlife Service: BCC - Birds of Conservation Concern WBWG: Western Bat Working Group: H - High Priority</p>
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4.4.2 REGULATORY SETTING

FEDERAL LEVEL

Endangered Species Act

Federally listed threatened and endangered species and their habitats are protected under provisions of the Federal Endangered Species Act (ESA) of 1973. “Take” under the ESA is defined as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the specifically enumerated conduct.” “Harm” is defined by the regulations of the USFWS to include types of “significant habitat modification or degradation.” The US Supreme Court, in *Babbitt v. Sweet Home*, 515 U.S. 687, ruled that harm may include habitat modification “where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.” Activities that may result in take of individuals are regulated by the USFWS.

The USFWS produced an updated list of candidate species for listing in June 2002 (Federal Register: Volume 67, Number 114, 50 Code of Federal Regulations [CFR] Part 17). Candidate species are regarded by the USFWS as candidates for addition to the List of Endangered and Threatened Wildlife and Plants. Although candidate species are not afforded legal protection under the ESA, they typically receive special attention from Federal and State agencies during the environmental review process.

The ESA requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species, or destroy or adversely modify its critical habitat, if any is designated. Activities requiring Federal involvement (e.g., a Section 404 permit under the Clean Water Act) that may affect an endangered species on Federal or private land must be reviewed by the USFWS to determine whether the continued existence of the listed species is jeopardized.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 US Government Code [USC] 703) enacts the provisions of treaties between the United States, Great Britain, Mexico, Japan, and the Soviet Union, and authorizes the protection of nesting birds that are both residents and migrants, whether or not they are considered sensitive by resource agencies. It establishes seasons and bag limits for hunted species and protects migratory birds, their occupied nests, and their eggs (16 USC 703; 50 CFR 10, 21). The USFWS administers the act in coordination with the California Department of Fish and Wildlife (CDFW).

Fish and Wildlife Coordination Act, 1956

The objective of the Fish and Wildlife Coordination Act of 1956’s (FWCA; 16 USC 661–666c) is to protect fish and wildlife when Federal actions result in the control or modification of a natural stream or body of water. Under the FWCA, Federal agencies shall consider the effect that water-related projects would have on fish and wildlife resources, prevent loss or damage and develop and improve fish and wildlife resources. The FWCA requires consultation with USFWS and State



fish and wildlife agencies to develop measures to protect, develop and improve fish and wildlife resources.

Clean Water Act Section 401

In California, the Regional Water Quality Control Boards (RWQCBs) are responsible for the administration of Clean Water Act Section 401. Riverside County falls within the jurisdiction of three RWQCBs: Santa Ana River Region, San Diego Region and the Colorado River Region. The areas subject to RWQCB jurisdiction include those of the U.S. Army Corps of Engineers (Corps) (i.e., waters of the United States) but include ‘Waters of the State,’ as well. The RWQCBs ensure that the quality of downstream areas (‘receiving waters’) is not degraded. See Section 4.19 Hydrology and Water Quality, for further discussion concerning water quality and the RWQCBs.

Clean Water Act Section 404

Areas meeting the regulatory definition of waters of the United States are subject to the regulatory jurisdiction of the USACE under the Clean Water Act. The USACE, under the provisions of Clean Water Act Section 404, has jurisdiction over waters of the United States (jurisdictional waters). These waters may include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), all impoundments of waters otherwise defined as waters of the United States, tributaries of waters otherwise defined as waters of the United States, the territorial seas, and wetlands adjacent to waters of the United States (33 CFR, Part 328, Section 328.3).

Areas generally not considered to be jurisdictional waters include non-tidal drainage and irrigation ditches excavated on dry land, artificially irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial water bodies such as swimming pools, and, under certain circumstances, water-filled depressions created in dry land incidental to construction activity (51 Federal Register 41217, November 13, 1986).

Section 10 of Rivers and Harbors Appropriation Act of 1899

Authorization from the Corps must be obtained for construction of a structure in or over any navigable water of the U.S., pursuant to Rivers and Harbors Appropriation Act of 1899 Section 10 (33 United States Code [USC] 401, 403, 407). Authorization is also needed for structures built near navigable water if they would affect the course, location, condition, or capacity of the water body, as through re-channelization, disposal of fill, and so forth.

Federal Bald and Golden Eagle Protection Act (16 U.S.C. 668(a); 50 CFR 22)

This act was originally passed in 1940 and provides for the protection of the bald eagle and the golden eagle (as amended in 1962) by prohibiting the take, possession, sale, purchase, barter, offer to sell, purchase or barter, transport, export, or import, of any bald or golden eagle, alive or dead, including any part, nest, or egg, unless allowed by permit. ‘Take’ includes pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb. The 1972 amendments increased civil penalties for violating the Act’s provisions to a maximum fine of \$5,000- or one-year imprisonment with \$10,000 or not more than two years in prison for a second conviction.



Felony convictions carry a maximum fine of \$250,000 or two years of imprisonment. The fine doubles for an organization.

Executive Order 11990, Protection of Wetlands

This Executive Order from May 1977 establishes a national policy to avoid adverse impacts on wetlands whenever there is a practicable alternative. On projects with Federal actions or approvals, impacts on wetlands must be identified in the environmental document. Alternatives that avoid wetlands must be considered. If wetland impacts cannot be avoided, then all practicable measures to minimize harm to those wetlands must be included. This must be documented in a specific ‘Wetlands Only Practicable Alternative Finding’ in the final environmental document for the proposed project.

Invasive Species – Executive Order Number 13112

This EO was signed by President Clinton on February 3, 1999. It serves to prevent activities that may promote the introduction and spread of invasive species. The order states that Federal agencies whose actions “may affect the status of invasive species shall ... use relevant programs and authorities to ... prevent the introduction of invasive species ... detect and respond rapidly to and control populations of such species in a cost-effective and environmentally sound manner...monitor invasive species populations accurately and reliably ... provide for restoration of native species and habitat conditions in ecosystems that have been invaded.” In order to implement EO 13112, the Federal Highways Administration (FHWA) has established guidance to prevent the introduction and spread, and promote the control, of invasive plant species on highway rights-of-way. Under EO 13112, Federal agencies are prohibited from authorizing, funding, or carrying out actions that are likely to promote or result in the introduction or spread of invasive species unless all feasible measures to minimize the impacts have been analyzed and considered.

STATE LEVEL

California Endangered Species Act

The California Endangered Species Act (CESA) of 1984, in combination with the California Native Plant Protection Act of 1977, regulates the listing and take of plant and animal species designated as endangered, threatened, or rare within the State (Sections 2074.2 and 2075.5 of the Fish and Wildlife Code). The State of California also lists Species of Special Concern based on limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. The CDFW is given the responsibility by the State to assess development projects for their potential to impact listed species and their habitats. State listed special-status species are also addressed through the issuance of a 2081 permit (Memorandum of Understanding).

California Department of Fish and Game Code

Within the State of California, fish, wildlife, and native plant resources are protected and managed by the CDFW. The CDFW is responsible for issuing permits for the take or possession of protected species. The following sections of the Fish and Game Code address the protected



species: Section 3511 (birds); Section 4700 (mammals); Section 5050 (reptiles and amphibians); and, Section 5515 (fish).

California Department of Fish and Wildlife Lake and Streambed Alteration Agreements

Section 1602 of the Fish and Game Code requires any person, State, or local governmental agency, or public utility to notify the CDFW before commencing any activity that would result in one or more of the following:

- Substantially obstruct or divert the natural flow of a river, stream, or lake;
- Substantially change or use any material from the bed, channel, or bank of a river, stream, or lake; or
- Deposit debris, waste, or other material that could pass into any river, stream, or lake.

Fish and Game Code Section 1602 applies to all perennial, intermittent, ephemeral, and episodic rivers, streams, and lakes within the State of California. While the jurisdictional limits are similar to the limits defined by USACE regulations, CDFW jurisdiction includes riparian habitat supported by a river, stream, or lake with or without the presence or absence of saturated soil conditions or hydric soils. CDFW jurisdiction generally includes to the top of bank of the stream, or to the outer limit of the adjacent riparian vegetation (outer drip line), whichever is greater. Any project that occurs within or in the vicinity of a river, stream, lake, or their tributaries typically requires notification of the CDFW, including rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish or other aquatic life, and watercourses having a surface or subsurface flow that supports or has supported riparian vegetation.

California Native Plant Society

The CNPS publishes and maintains an Inventory of Rare and Endangered Vascular Plants of California (Inventory) in both hard copy and electronic version. The Inventory assigns plants to the following categories:

- 1A – Presumed extinct in California and either rare or extinct elsewhere;
- 1B – Rare, threatened, or endangered in California and elsewhere;
- 2A – Presumed extirpated in California, but common elsewhere;
- 2B – Rare, threatened, or endangered in California, but more common elsewhere;
- 3 – Plants for which more information is needed; and
- 4 – Plants of limited distribution.

Additional endangerment codes are assigned to each taxa as follows:

- 0.1 – Seriously threatened in California (over 80 percent of occurrences threatened/high degree and immediacy of threat);



4.4 Biological Resources

- 0.2 – Moderately threatened in California (20-80 percent occurrences threatened/moderate degree and immediacy of threat); and
- 0.3 – Not very threatened in California (<20 percent of occurrences threatened/low degree and immediacy of threat or no current threats known).

Plants on Lists 1A, 1B, 2A, 2B, and 3 of the CNPS Inventory consist of plants that may qualify for listing and are given special consideration under CEQA during project review. Although plants on List 4 have little or no protection under CEQA, they are usually included in the project review for completeness.

Sensitive Vegetation Communities

Sensitive vegetation communities are natural communities and habitats that are either unique, of relatively limited distribution in the region, or of particularly high wildlife value. These resources have been defined by Federal, State, and local conservation plans, policies, or regulations. The CDFW ranks sensitive communities as “threatened” or “endangered” and keeps records of their occurrences in its CNDDDB. Sensitive vegetation communities are also identified by CDFW on its Natural Communities List recognized by the CNDDDB. Impacts to sensitive natural communities and habitats identified in local or regional plans, policies, and regulations, or by Federal or State agencies, must be considered and evaluated under CEQA (CCR: Title 14, Div. 6, Chap. 3, Appendix G).

Fully Protected Species and Species of Special Concern

The classification of “fully protected” was the CDFW’s initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibian and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA. The Fish and Game Code sections (fish at Section 5515, amphibian and reptiles at Section 5050, birds at Section 3511, and mammals at Section 4700) dealing with “fully protected” species states that these species “. . . may not be taken or possessed at any time. No provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take a fully protected (species),” although take may be authorized for necessary scientific research. This language makes the “fully protected” designation the strongest and most restrictive regarding the “take” of these species. In 2003, the code sections dealing with fully protected species were amended to allow the CDFW to authorize take resulting from recovery activities for State-listed species.

Species of special concern are broadly defined as animals not listed under the FESA or CESA, but which are nonetheless of concern to the CDFW because they are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by the CDFW, land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for costly listing under FESA and CESA and cumbersome recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them.



Although these species generally have no special legal status, they are given special consideration under CEQA during project review.

California Environmental Quality Act

In addition to specific Federal and State statutes for the protection of threatened and endangered species, State CEQA Guidelines Section 15380(b) provides that a species not listed on the Federal or State list of protected species may be considered rare or endangered if it can be shown that the species meets certain specified criteria. Modeled after definitions in the FESA and the section of the California Fish and Wildlife Code dealing with rare or endangered plants and animals, these criteria are given in State CEQA Guidelines Section 15380(b). The effect of Section 15380(b) is to require public agencies to undertake reviews to determine if projects would result in significant effects on species not listed by either the USFWS or CDFW (i.e., candidate species). Through this process, agencies are provided with the authority to protect additional species from the potential impacts of a project until the appropriate government agencies have an opportunity to designate the species as protected, if deemed appropriate.

LOCAL LEVEL

County of Riverside General Plan

Land Use Element

The following Land Use Element policies are relevant to the project:

- LU 9.2: Require that development protect environmental resources by compliance with the Multipurpose Open Space Element of the General Plan and Federal and State regulations such as CEQA, NEPA, the Clean Air Act, and the Clean Water Act.
- LU 9.4: Allow development clustering and/or density transfers in order to preserve open space, natural resources, cultural resources, and biologically sensitive resources. Wherever possible, development on parcels containing 100-year floodplains, blueline streams and other higher-order watercourses, and areas of steep slopes adjacent to them shall be clustered to keep development out of watercourse and adjacent steep slope areas, and to be compatible with other nearby land uses.
- LU 19.1: Where appropriate, use any adopted Density Transfer Program to help implement Rural Village Overlay Study Areas and the Multi-Species Habitat Conservation Program.
- LU 26.3: Ensure that development does not adversely impact the open space and rural character of the surrounding area.



Circulation Element

The following Circulation Element policy is relevant to the project:

- C 20.9: Incorporate specific requirements of the Western Riverside County Multiple Species Habitat Conservation Plan and the Coachella Valley Multiple Species Habitat Conservation Plan into transportation plans and development proposals.

Multipurpose Open Space Element

The following Multipurpose Open Space Element policies are relevant to the project:

- OS 6.1: During the development review process, ensure compliance with the Clean Water Act's Section 404 in terms of wetlands mitigation policies and policies concerning fill material in jurisdictional wetlands.
- OS 6.2: Preserve buffer zones around wetlands where feasible and biologically appropriate.
- OS 9.3: Maintain and conserve superior examples of native trees, natural vegetation, stands of established trees and other features for ecosystem, aesthetic and water conservation purposes.
- OS 9.4: Conserve the oak tree resources in the county.
- OS 18.1: Preserve multi-species habitat resources in the County of Riverside through the enforcement of the provisions of applicable MSHCP's.

Riverside County Ordinances

The following Riverside County Ordinances contain regulations and policies that would reduce impacts to biological resources within Riverside County:

Ordinance No. 663, *Stephens' Kangaroo Rat Mitigation Fee*: This ordinance is intended to ensure the survival of the species through one or more of the following: (1) on-site mitigation of impacts to the Stephens' kangaroo rat through the reservation or addition of lands included within or immediately adjacent to a potential habitat reserve site, or (2) payment of the Mitigation Fee set by this ordinance, or (3) any combination of (1) and (2).

Ordinance 810.2, *Western Riverside County Multiple Species Habitat Conservation Plan Mitigation Fee*: This ordinance requires a mitigation fee to be paid by the applicant for each proposed residential unit and/or development project to fund the implementation of the MSHCP.

Riverside County Oak Tree Management Guidelines

In March 1993, Riverside County issued Oak Tree Management Guidelines to address the treatment of oak woodlands in areas where zoning and/or General Plan density restrictions allow the effective use of clustering. The guidelines are generally considered to be the most effective where minimum lot sizes are 2.5 acres or larger, or where oak woodlands are concentrated in a relatively small portion of a project site. The guidelines include recommendations for oak



inventories, quantification of impacts from the proposed development, and identification of mitigation measures.

Western Riverside County Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan (MSHCP)

The Western Riverside County MSHCP is a multi-jurisdictional effort that includes the unincorporated area of western Riverside County and 18 cities. The MSHCP was adopted in June 2003 by the Riverside County Board of Supervisors and is currently administered by the Western Riverside County Regional Conservation Authority (RCA). The MSHCP covers 146 species and addresses biological diversity within 1.26 million acres, from west of the San Jacinto Mountains to the Orange County border. The MSHCP is designed to protect more than 30 Federally threatened and endangered species, and to conserve 510,000 acres of native habitat, of which 347,000 acres are already in public and quasi-public ownership. The MSHCP Area includes a diverse landscape of urban cities to undeveloped foothills and montane forests, as well as the Santa Ana Mountains, Riverside Lowlands, San Jacinto Foothills, San Jacinto Mountains, Agua Tibia Mountains, Desert Transition, and San Bernardino Mountains bioregions.

The MSHCP serves as a HCP, as well as a NCCP. Although the USFWS and CDFW have authority to regulate the take of threatened and endangered species, consistent with the terms and conditions of approval, the USFWS and CDFW has granted “Take Authorization” for otherwise lawful actions in exchange for the assembly and management of coordinated MSHCP Conservation Areas for 146 “covered species” (including 14 narrow endemic plant species). Of the 146 “covered species,” 118 species are considered “adequately conserved” within the MSHCP.

The goal of the MSHCP is to have a total Conservation Area in excess of 500,000 acres, including approximately 347,000 acres on existing Public/Quasi-Public (PQP) Lands, and approximately 153,000 acres of Additional Reserve Lands targeted within the MSHCP Criteria Area. The MSHCP is divided into 16 separate Area Plans, each with its own conservation goals and objectives. Within each Area Plan, the Criteria Area is divided into Subunits, and further divided into Criteria Cells and Cell Groups (a group of criteria cells). Each Cell Group and ungrouped, independent Cell has designated “criteria” for the purpose of targeting additional conservation lands for acquisition. Projects located within the Criteria Area are subject to the Habitat Evaluation and Acquisition Negotiation Strategy (HANS) process to determine if lands are targeted for inclusion in the MSHCP Reserve. In addition, all projects located within the Criteria Area are subject to the Joint Project Review (JPR) process, where the project is reviewed by the RCA to determine overall compliance/consistency with the biological requirements of the MSHCP.

Stephens’ Kangaroo Rat Habitat Conservation Plan (SKR HCP)

The SKR HCP was prepared under the direction of the Riverside County Habitat Conservation Agency (RCHCA) Board of Directors, in consultation with USFWS and CDFW. The Riverside County is a member agency of the RCHCA. The 30-year SKR HCP was designed to acquire and permanently conserve, maintain and fund the conservation, preservation, restoration and enhancement of Stephens’ kangaroo rat-occupied habitat. The SKR HCP covers approximately



534,000 acres within the member jurisdictions and includes an estimated 30,000 acres of occupied Stephens' kangaroo rat habitat. The SKR HCP requires members to preserve and manage 15,000 acres of occupied habitat in seven Core Reserves encompassing over 41,000 acres. On May 3, 1996, the USFWS issued a permit to the Riverside County Habitat Conservation Agency to incidentally take the Federally endangered Stephens' kangaroo rat (*Dipodomys stephensi*). Similarly, the CDFW issued a California Endangered Species Act Management Authorization for Implementation of the Stephens' kangaroo rat on May 6, 1996. To date, more than \$50 million has been dedicated to the establishment and management of a system of regional preserves designed to ensure the survival of SKR in the plan area. This effort resulted in the permanent conservation of approximately 50% of the SKR-occupied habitat remaining in the HCP area. Through direct funding and in-kind contributions, SKR habitat in the regional reserve system is managed to ensure its continuing ability to support the species. Core reserves were deemed complete in December of 2003.

4.4.3 THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the State *CEQA Guidelines* contains the Environmental Checklist form used during preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service (refer to Impact Statement BIO-1);
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service (refer to Impact Statement BIO-2);
- Have a substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means (refer to Impact Statement BIO-3);
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (refer to Impact Statement BIO-4);
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (refer to Impact Statement BIO-5); and/or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan (refer to Impact Statement BIO-6).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a "less than significant impact" or "potentially significant impact." Mitigation measures are



recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

4.4.4 IMPACTS AND MITIGATION MEASURES

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES

BIO-1 IMPLEMENTATION OF THE PROPOSED PROJECT COULD HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON ANY SPECIES IDENTIFIED AS A CANDIDATE, SENSITIVE, OR SPECIAL-STATUS SPECIES IN LOCAL OR REGIONAL PLANS, POLICIES, OR REGULATIONS, OR BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE OR U.S. FISH AND WILDLIFE SERVICES.

Impact Analysis

A substantial adverse effect to special-status species would occur if a project would: (1) reduce the population size or reduce the area of occupied habitat of a rare, threatened, or endangered species; or (2) reduce the population size or reduce the area of occupied habitat of a locally uncommon species. A substantial adverse effect on a special-status wildlife species would occur if a project would: (1) reduce the known distribution of a species; (2) reduce the local or regional population of a species; (3) increase predation of a species, leading to population reduction; (4) reduce habitat availability sufficiently to affect potential reproduction; or (5) reduce habitat availability sufficiently to constrain the distribution of a species and not allow for natural changes in distributional patterns over time.

The project proposes land use and policy changes that would facilitate development within the project area. Therefore, it can be assumed that any future development would involve grading and construction activities that could directly or indirectly impact sensitive wildlife or plant species. A discussion of potential special-status plant, wildlife, and plant communities with the potential to occur within the project area is included below. The precise locations of sensitive plant and wildlife species would be identified through site-specific, on-site reconnaissance and project-level analysis in conjunction with future development permit applications.

Direct impacts to special status wildlife and plant species could result from removal of occupied habitat on undeveloped sites through grading and other land development activities. Additionally, indirect impacts to special status wildlife and plant species could result from excess noise, lighting, or runoff generated during construction.

Plant Species

According to the CNPS records, 19 potential special-status plant species have been recorded within the project area; refer to [Exhibit 4.4-1](#). Future development within the project area would be subject to compliance with relevant Federal, State, and local biological resources requirements in effect at the time of development aimed at protecting sensitive plant species, including the Western Riverside County MSHCP. Future development would be subject to



compliance with General Plan Policies LU 9.4, LU 19.1, C 20.9 and OS 18.1, which would protect sensitive plant species covered in the Western Riverside MSHCP. LU 9.4 would allow development clustering and/or density transfers in order to preserve open space, natural resources, cultural resources, and biologically-sensitive resources. LU 19.1 would use any adopted Density Transfer Program to help implement Rural Village Overlay Study Areas and the MSHCP. C 20.9 would incorporate specific requirements of the Western Riverside County MSHCP and the Coachella Valley Multiple Species Habitat Conservation Plan into transportation plans and development proposals. OS 18.1 preserve multi-species habitat resources in the County of Riverside through the enforcement of the provisions of applicable MSHCP's and through implementing related Riverside County policies. Additionally, future development would be subject to compliance with Mitigation Measure BIO-1. Mitigation Measure BIO-1 would require preparation of a Biological Resource Assessment which assesses existing resources, the potential impacts associated with site-specific development, and identifies mitigation measures to reduce potential impacts to a less than significant level. With implementation of applicable General Plan policies, Western Riverside County MSHCP policies, and Mitigation Measure BIO-1, impacts to special-status plant species would be less than significant.

Wildlife Species

As shown in [Exhibit 4.4-1](#), 33 special-status wildlife species have been recorded within the project area. Future development within the project area would be subject to compliance with relevant Federal, State, and local biological resources requirements in effect at the time of development aimed at protecting sensitive wildlife species, including the Western Riverside County MSHCP. Future development would be subject to compliance with General Plan Policies LU 9.2, LU 9.4, C 20.9 and OS 18.1. LU 9.2 would require that development protect environmental resources by compliance with the Multipurpose Open Space Element of the General Plan and federal and state regulations such as CEQA, NEPA, the Clean Air Act, and the Clean Water Act. LU 9.4 would allow development clustering and/or density transfers in order to preserve open space, natural resources, cultural resources, and biologically-sensitive resources. C 20.9 would incorporate specific requirements of the Western Riverside County MSHCP and the Coachella Valley Multiple Species Habitat Conservation Plan into transportation plans and development proposals. OS 18.1 preserve multi-species habitat resources in the County of Riverside through the enforcement of the provisions of applicable MSHCP's and through implementing related Riverside County policies.

To address potential impacts to special-status wildlife species, future development would be subject to compliance with Mitigation Measure BIO-1. Additionally, the General Plan Update includes policies intended to preserve ecological and biological resources by maintaining these resources as open space (Conservation/Open Space Element Policy 1.1) and reducing the impact of urban development on important ecological and biological resources (Conservation/Open Space Element Policy 1.4), among others. All future development would be subject to compliance with the policies identified in the General Plan Update. Overall, compliance with Mitigation Measure BIO-1 would ensure impacts to candidate, sensitive, and special-status wildlife species are less than significant.



Plant Communities

There are 7 existing vegetation communities identified by the Western Riverside County MSHCP which include chaparral, coastal sage scrub, grassland, playas and vernal pools, riparian scrub/woodland/forest, Riversidean Alluvial Fan Sage Scrub (RAFSS) and woodlands/forests. Future development within the project area would be subject to compliance with relevant Federal, State, and local biological resources requirements in effect at the time of development aimed at protecting sensitive wildlife species, including the Western Riverside County MSHCP.

To address impacts to special-status plant communities, future development would be subject to compliance with Mitigation Measure BIO-1. Mitigation Measure BIO-1 would require preparation of a Biological Resource Assessment which assesses existing resources, the potential impacts associated with site-specific development, and identifies mitigation measures to reduce potential impacts to a less than significant level. Additionally, the General Plan Update includes policies intended to maintain and conserve superior examples of native trees, natural vegetation, stands of established trees and other features for ecosystem, aesthetic and water conservation purposes (Multipurpose Open Space Element Policy OS 6.1 among others. In addition, future development would be subject to compliance with General Plan Policies LU 9.4, LU 19.1, LU 20.9, and OS 18.1, which would protect sensitive biological resources covered in the Western Riverside County MSHCP. Overall, compliance with Mitigation Measure BIO-1 would ensure impacts to candidate, sensitive, and special-status plant communities are less than significant.

Mitigation Measures:

BIO-1 Projects subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects), and with the potential to reduce or eliminate habitat for native plant and wildlife species or sensitive habitats, as determined by the County of Riverside, shall provide a Biological Resources Assessment prepared by a County-approved qualified biologist for review and approval by the Planning Department. The assessment shall include biological field survey(s) of the project site to characterize the extent and quality of habitat that would be impacted by development. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife and/or United States Fish and Wildlife Services survey protocols for target species, unless the project is located within the Western Riverside County Multiple Species Habitat Conservation Plan, in which the surveys will follow applicable Riverside Conservation Authority procedures. If no sensitive species are observed during the field survey and the regulatory agencies agree with those findings, then no further mitigation will be required. If sensitive species or habitats are documented on the project site, the project applicant shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.



SENSITIVE NATURAL COMMUNITIES

BIO-2 IMPLEMENTATION OF THE PROPOSED PROJECT COULD HAVE A SUBSTANTIAL ADVERSE EFFECT ON ANY RIPARIAN HABITAT OR OTHER SENSITIVE NATURAL COMMUNITY IDENTIFIED IN LOCAL OR REGIONAL PLANS, POLICIES, REGULATIONS OR BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE OR U.S. FISH AND WILDLIFE SERVICE.

Impact Analysis

The project proposes land use and policy changes that would facilitate development within the project area. Therefore, future development projects could directly impact sensitive vegetation communities through removal of sensitive vegetation communities. Sensitive vegetation communities which exist or have the potential to exist on undeveloped sites include chaparral, coastal sage scrub, grassland, playas and vernal pools, riparian scrub/woodland/forest, RAFSS and woodlands/forests; refer to [Exhibit 4.4-1](#). These communities are considered sensitive due to their limited occurrence and ability to support other diverse and sensitive species. Therefore, disturbance or removal of these vegetation communities if associated with future development on a site containing these resources could result in a significant impact.

Future development projects within the project area would be required to adhere to all Federal, State, and local requirements for protecting riparian habitat and sensitive vegetation communities. Future development with potential to affect CDFW-jurisdictional riparian habitats would require a jurisdictional assessment to determine if the project site supports CDFW-protected wetlands. If the jurisdictional delineation determines the project site supports CDFW-jurisdictional riparian habitats, the project applicant would be required to initiate the CDFW permitting process. Pursuant to California Fish and Game Code 1600 et seq. and CWA Sections 401 and 404, the assessment is required to map and identify any wetland/ or riparian/riverine resources present, evaluate the plant species composition, provide a soils analysis (where appropriate), and include avoidance and mitigation measures to reduce impacts to these resources. Additionally, future development that may alter any water course or wetland, located either on-site or on any required off-site improvement areas are required to obtain applicable permits from the appropriate resource agencies. In regard to regional plan compliance, future development projects would be required to comply with the Western Riverside County MSHCP. The Western Riverside County MSHCP includes the protection of vulnerable species of wildlife, vegetation, and their environments. Areas containing these ecologies are protected by the MSHCP through the creation of provisions and mitigation measures which inhibit development in a manner that would otherwise be harmful to those sensitive species and habitats. The Western Riverside County MSHCP combines the regulations of an HCP and NCCP. The Western Riverside County MSHCP policies and regulations address potential economic growth impacts associated with development in these areas. The project area is within the Western Riverside County MSHCP, therefore, is subject to compliance with its regulations. Future development in the project area would be required to demonstrate consistency with the Western Riverside County MSHCP at the time the development application is filed with the County.

Additionally, General Plan Policies LU 9.4, OS 6.1, OS 6.2, and OS 9.3 would protect wetlands, riparian habitat, and other sensitive vegetation communities. LU 9.4 would allow development



clustering and/or density transfers in order to preserve open space, natural resources, cultural resources, and biologically-sensitive resources. OS 6.1 would ensure compliance with the Clean Water Act's Section 404 in terms of wetlands mitigation policies and policies concerning fill material in jurisdictional wetlands. OS 6.2 would preserve buffer zones around wetlands where feasible and biologically appropriate. OS 9.3 would maintain and conserve superior examples of native trees, natural vegetation, stands of established trees, and other features for ecosystem, aesthetic, and water conservation purposes. In accordance with Mitigation Measure BIO-1, site-specific surveys would be required prior to approval of future development permit applications to assess existing resources (including jurisdictional resources, wetland/riparian habitat, and sensitive communities), the potential impacts associated with site-specific development, and identify mitigation measures to reduce potential impacts to a less than significant level. With implementation of existing General Plan policies and Mitigation Measure BIO-1, future development would result in less than significant impacts to riparian habitats or other sensitive natural communities.

Mitigation Measures: Refer to Mitigation Measure BIO-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

WETLANDS

BIO-3 IMPLEMENTATION OF THE PROPOSED PROJECT COULD HAVE A SUBSTANTIAL ADVERSE EFFECT ON STATE OR FEDERALLY PROTECTED WETLANDS (INCLUDING BUT NOT LIMITED TO, MARSH, VERNAL POOL, COASTAL, ETC.) THROUGH DIRECT REMOVAL, FILLING, HYDROLOGICAL INTERRUPTION, OR OTHER MEANS.

Impact Analysis

The project proposes land use and policy changes that would facilitate development within the project area. Therefore, future development projects could directly or indirectly impact jurisdictional waters or wetlands through activities such as vegetation removal and grading activities.

Future development projects would be required to adhere to all Federal, State, and local requirements for avoiding and minimizing construction and operations impacts to wetlands and other waters of the U.S. and State. Any future development with potential to impact to Federally protected wetlands would require Clean Water Act Section 404 Permit from the Corps prior to demolition, grading, or building permit approval. The Section 404 regulatory process would require that all future development with potential to affect Federally protected wetlands prepare a jurisdictional assessment to determine if the project site supports Federally protected wetlands. If the jurisdictional delineation determines Federally protected wetlands are present, the project applicant would be required to initiate the U.S. Army Corps of Engineers Section 404 process. Any adverse effects to Federally protected wetlands would be fully mitigated through compliance with the Section 404 regulatory process, as the Corps ensures no net loss of riparian habitat and preservation of biological function and value of any onsite jurisdictional features.



Additionally, General Plan Policies LU 9.4, OS 6.1, OS 6.2, and OS 9.3 would protect Federally protected wetlands. LU 9.4 would allow development clustering and/or density transfers in order to preserve open space, natural resources, cultural resources, and biologically-sensitive resources. OS 6.1 would ensure compliance with the Clean Water Act's Section 404 in terms of wetlands mitigation policies and policies concerning fill material in jurisdictional wetlands. OS 6.2 would preserve buffer zones around wetlands where feasible and biologically appropriate. OS 9.3 would maintain and conserve superior examples of native trees, natural vegetation, stands of established trees, and other features for ecosystem, aesthetic, and water conservation purposes. In accordance with Mitigation Measure BIO-1, site-specific surveys would be required prior to approval of future development permit applications to assess existing resources (including Federally protected wetlands), the potential impacts associated with site-specific development, and identify mitigation measures to reduce potential impacts to a less than significant level. With implementation of existing General Plan policies and Mitigation Measure BIO-1, future development would result in less than significant impacts to Federally protected wetlands.

Mitigation Measures: Refer to Mitigation Measure BIO-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

WILDLIFE CORRIDORS

BIO-4 FUTURE DEVELOPMENT ASSOCIATED WITH THE PROPOSED PROJECT COULD INTERFERE SUBSTANTIALLY WITH THE MOVEMENT OF ANY NATIVE RESIDENT OR MIGRATORY FISH OR WILDLIFE SPECIES OR WITH ESTABLISHED NATIVE RESIDENT OR MIGRATORY WILDLIFE CORRIDORS, OR IMPEDE THE USE OF NATIVE WILDLIFE NURSERY SITES.

Impact Analysis

The project area contains wildlife corridors as identified in Western Riverside County MSHCP Figure 3-2 *Schematic Cores and Linkages Map*. The wildlife corridors support wildlife movement between core areas of habitat, and as such, future development resulting from implementation of the project, could result in the creation of new barriers to animal movement within the project area. However, impacts to wildlife movement associated with development in the County are mitigated due to corridors and linkages established by the Western Riverside County MSHCP. As part of the Western Riverside County MSHCP, a system of corridors and linkages was established to accommodate wildlife movement in the open areas of western Riverside County.

Sufficient programs are in place for the Western Riverside County MSHCP that would prevent substantial interference with wildlife movement and corridors. With the corridor conservation measures, edge effect controls, and other components contained within the plan to ensure protection, provisions of the Western Riverside County MSHCP would ensure that future development within the project does not substantially interfere with wildlife movement or corridors (refer to Mitigation Measure BIO-3). Nonetheless, future development as a result of project implementation would be required to consult with a Riverside County Ecological Resources Specialist (ERS), should a wildlife nursery site or native resident or migratory wildlife corridor is uncovered during preparation of a biological resources assessment (BRA). The ERS



would make a determination if the site is essential for the long-term viability of the species. If such a determination is made, then the ERS shall work with the project applicant to avoid the effects of development on the resource in question and condition the land use case according. Therefore, with implementation of Mitigation Measure BIO-3, the project would have a less than significant impact on wildlife corridors.

The project proposes land use and policy changes that would facilitate development within the project area that could impact nesting birds. Most bird species are protected under the MBTA. Although the MBTA is no longer interpreted to protect migratory birds and raptors from incidental take (US Department of Interior, 2017), the State Fish and Game Commission §§ 3503 and 3503.5 still provide these protections. If vegetation clearing occurs during the bird breeding season (February 1 to July 15 for raptors and January 15 to August 31 for other birds), direct impacts to nesting birds could occur. To reduce potential impacts to nesting birds, future development within the project area would be required to comply with the mitigation framework included in BIO-2, which requires a preconstruction survey for nesting birds for all sites that contain trees, shrubs and/or other vegetation.

In addition, potential impacts to nesting birds and potential wildlife corridors would be reduced through compliance with General Plan Policies LU 9.2, 9.3, 9.4, LU 20.9, LU 26.3 and OS 18.1. Compliance with the established regulatory framework and Mitigation Measure BIO-2 through BIO-4 would reduce potential impacts to nesting birds and wildlife corridors to a less than significant level.

Mitigation Measures:

BIO-2 Proposed project activities shall avoid the bird breeding season (typically January through July for raptors and February through August for other avian species), if feasible. If breeding season avoidance is not feasible, a qualified biologist shall conduct a pre-construction nesting bird survey for avian species to determine the presence/absence, location, and status of any active nests on or adjacent to the area proposed project site. If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a 300-foot buffer around the active nest; for raptor species, this buffer shall be 500 feet. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code, nesting bird surveys shall be performed twice per week during the three weeks prior to the scheduled project activities.

In the event that active nests are discovered, a suitable buffer (distance to be determined by the biologist or overriding agencies) shall be established around such active nests, and no construction within the buffer allowed, until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).

Nesting bird surveys are typically not required for construction activities occurring September through December; however, hummingbirds (Family Trochilidae), for example, are known to nest year-round; therefore, a pre-construction nesting bird



survey for activities outside of the breeding season shall be conducted within 24 hours of construction to ensure full compliance with the regulations.

BIO-3 Should a wildlife nursery site or native resident or migratory wildlife corridor be uncovered through a biological resources assessment (BRA), then a consultation with a Riverside County Ecological Resources Specialist (ERS) shall occur. The ERS shall make a determination if the site is essential for the long-term viability of the species. If such a determination is made, then the ERS shall work with the project applicant to avoid the effects of development on the resource in question and condition the land use case accordingly. Should significant impacts to a nursery site or corridor not be avoidable, the applicant shall be required to ensure the preservation of comparable nursery or corridor habitat off-site.

BIO-4 In the event a Biological Resources Assessment (BRA) determines a project site has the potential to support burrowing owl, a focused burrowing owl survey shall be conducted no more than 30 days prior to ground disturbance within the project site and a 500-foot survey area surrounding the project site, pursuant to the requirements of the *2012 CDFG Staff Report on Burrowing Owl Mitigation*. The focused burrowing owl survey shall occur prior to the issuance of the first grading or building permits. After completion of appropriate surveys, a final report shall be submitted to the Riverside County Planning Department and the California Department of Fish and Wildlife (CDFW) within 14 days following completion. The report shall detail survey methods, transect width, duration, conditions, results of the survey, and any actions required to avoid impacts to burrowing owl.

Level of Significance: Less Than Significant Impact with Mitigation Incorporated.

TREE PRESERVATION

BIO-5 IMPLEMENTATION OF THE PROPOSED PROJECT COULD CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS A TREE PRESERVATION POLICY OR ORDINANCE.

Impact Analysis

The General Plan includes policies to minimize impacts to biological resources and maintain ecological diversity of Riverside County. In addition, Riverside County adopted the Riverside County Oak Tree Management Guidelines in March of 1993. The Guidelines seek to protect and preserve oak woodland habitat within the County. Following these guidelines would reduce project impacts on oak trees to a level of insignificance. Oaks and other biological resources would be impacted directly or indirectly by future development and vegetation clearing within the project area. To future protect County trees, the General Plan policies will incorporate Multipurpose Open Space Element policies such as OS 9.3 and OS 9.4. Adherence to General Plan policies OS 9.3 and OS 9.4 and the Riverside County Oak Tree Management Guidelines are intended to protect biological resources and tree preservation policies. OS 9.3 would maintain and conserve superior examples of native trees, natural vegetation, stands of established trees, and other features for ecosystem, aesthetic, and water conservation purposes. OS 9.4 would



conserve the oak tree resources in the county. The implementation of these policies would reduce impacts from the project to a less than significant level.

Mitigation Measures: Refer to Mitigation Measure BIO-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

HABITAT CONSERVATION PLANS

BIO-6 IMPLEMENTATION OF THE PROPOSED PROJECT COULD CONFLICT WITH AN ADOPTED HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN.

Impact Analysis

As discussed in Impact Statement BIO-2 above, the Western Riverside County MSHCP includes the protection of vulnerable species of wildlife, vegetation, and their environments. Areas containing these ecologies are protected by the MSHCP through the creation of provisions and mitigation measures which inhibit development in a manner that would otherwise be harmful to those sensitive species and habitats. The Western Riverside County MSHCP combines the regulations of an HCP and NCCP. The Western Riverside County MSHCP policies and regulations address potential economic growth impacts associated with development in these areas. The project area is within the Western Riverside County MSHCP, therefore, is subject to compliance with its regulations. Future development in the project area would be required to demonstrate consistency with the Western Riverside County MSHCP at the time the development application is filed with the County.

Site-specific surveys would be required prior to approval of future development permit applications to assess existing resources. The potential impacts associated with site-specific development, and identify mitigation measures to reduce potential impacts to a less than significant level. With implementation of existing General Plan policies and Mitigation Measure BIO-1, future development would result in less than significant impacts to an adopted habitat conservation plan, natural community conservation plan, or state habitat restoration plan.

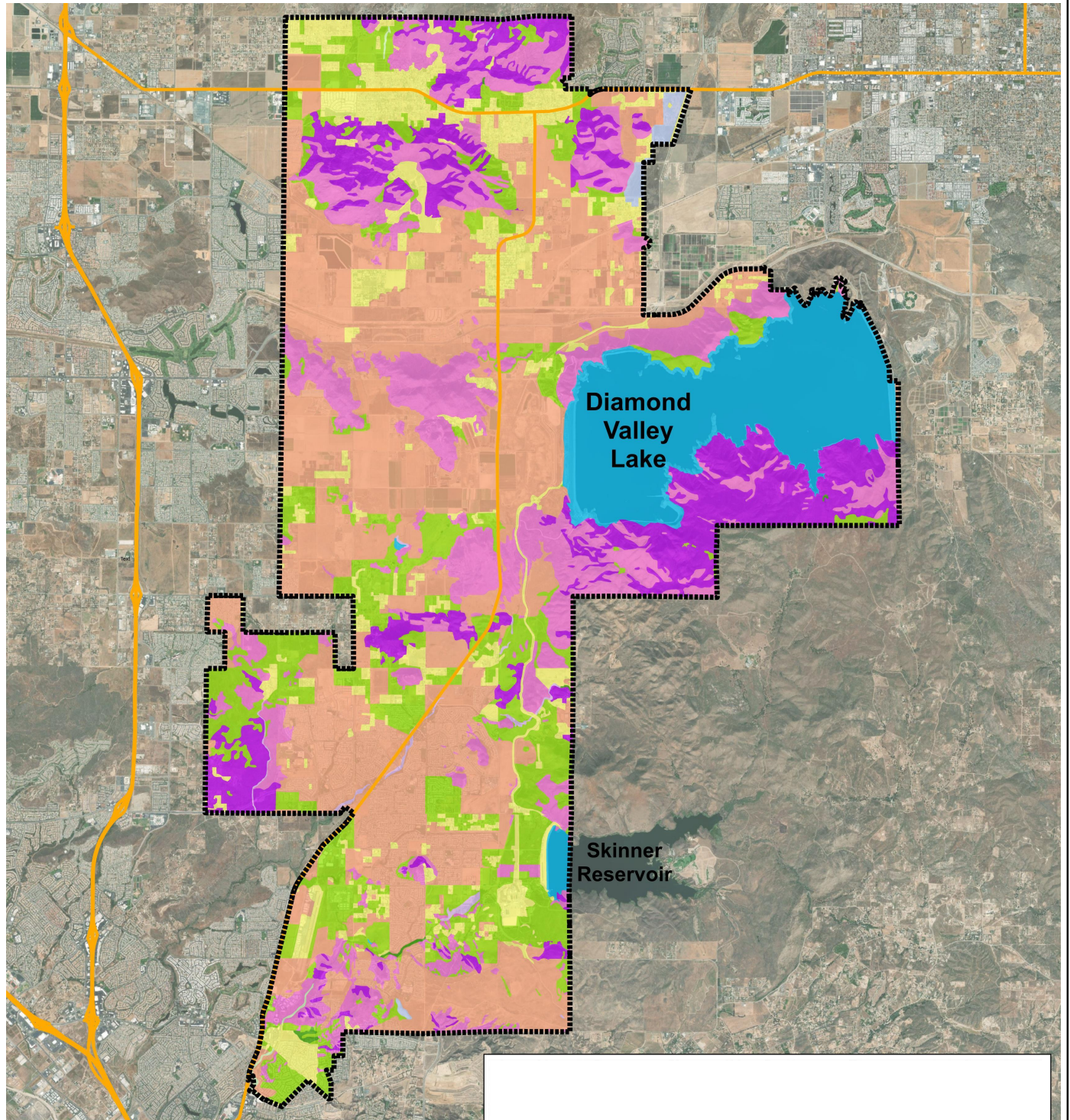
Mitigation Measures: Refer to Mitigation Measure BIO-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

4.4.5 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable biological resources impacts would occur as a result of the project.

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Legend



Project Area

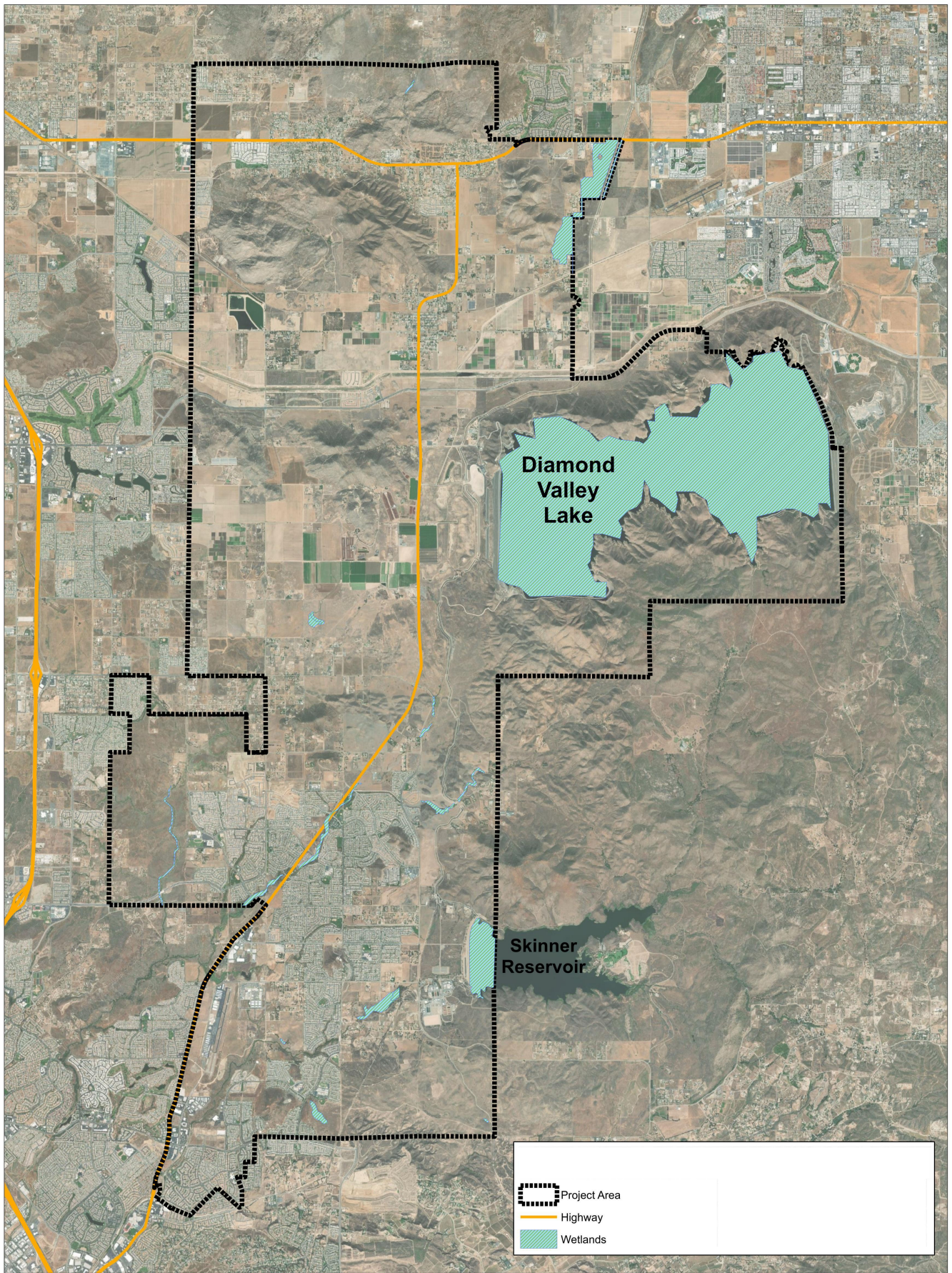
Vegetative Cover	
Agricultural Land	Playas and Vernal Pools
Chaparral	Riparian Scrub, Woodland, Forest
Coastal Sage Scrub	Riversidean Alluvial Fan Sage Scrub
Developed or Disturbed Land	Water
Grassland	Woodlands and Forests



Source: Riverside County Mapping Portal, 2021; Kimley-Horn, 2021

WINCHESTER COMMUNITY PLAN ENVIRONMENTAL IMPACT REPORT Vegetation Map

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4.5 CULTURAL RESOURCES

This section discusses the existing conditions, regulatory context, and potential impacts of the project in relation to cultural and historic resources. Tribal Cultural Resources are addressed in Section 4.18, *Tribal Cultural Resources*, of this EIR. Cultural resources include places, objects, and settlements that reflect group or individual religious, archaeological, or architectural activities. Such resources provide information on scientific progress, environmental adaptations, group ideology, or other human advancements. By statute, the California Environmental Quality Act (CEQA) is concerned with cultural resources, which are defined in Public Resources Code Section 21084.1 and the State CEQA Guidelines Section 15064.5, Public Resources Code Section 21083.2.

The information and analysis herein rely on the following investigations and document the cultural resources conditions of the project site:

- County of Riverside General Plan
- County of Riverside Draft Environmental Impact Report No. 521 (Draft EIR No. 521)
- Riverside County Ordinances

4.5.1 EXISTING SETTING

CULTURAL SETTING

Prehistory¹

On the basis of currently available archaeological research, occupation of southern California by human populations is believed to have begun at least 10,000 years ago. Theories proposing much earlier occupation, specifically during the Pleistocene Age, exist but at this time archaeological evidence has not been fully substantiating. Therefore, for the purposes of this analysis, only human occupation within the past 10,000 years will be addressed.

A time frame of occupation may be determined on the basis of characteristic cultural resources. These comprise what are known as cultural traditions or complexes. It is through the presence or absence of time-sensitive artifacts at a particular site that the apparent time of occupation may be suggested.

In general, the earliest established cultural tradition in southern California is accepted to be the San Dieguito Tradition. The San Dieguito people were nomadic large-game hunters whose tool assemblage included large domed scrapers, leaf-shaped knives and projectile points, stemmed projectile points, chipped stone crescentics, and hammerstones. The San Dieguito Tradition was

¹ Matthew Fagan Consulting Services, Inc., *2020 Draft Environmental Impact Report, State Clearinghouse Number 2018101010 for Change of Zone No. 1800007 (CZ1800007), Plot Plan No. 180024 (PPT180024), Tentative Tract Map No. 37439 (TTM37439)*, May 2021.



further divided into three phases: San Dieguito I is found only in the desert regions, while San Dieguito II and III occur on the Peninsular Ranges' both sides. These three phases formed a sequence in which increasing specialization and refinement of tool types were the key elements. Although absolute dates for the various phase changes have not been hypothesized or fully substantiated by a stratigraphic sequence, the San Dieguito Tradition is believed to have existed from approximately 7000 to 10,000 years ago.

Throughout southwestern California, the La Jolla Complex followed the San Dieguito Tradition. The La Jolla Complex is recognized primarily by the presence of milling-stone assemblages within shell middens. The La Jolla Complex's Characteristic cultural resources include basined milling-stones, unshaped manos, flaked stone tools, shell middens, and a few Pinto-like projectile points. Flexed inhumations under stone cairns, with heads pointing north, are also present.

The La Jolla Complex existed from 5500 to 1000 B.C. Although there are several hypotheses to account for the origins of this complex, it would appear that it was a cultural adaptation to climatic warming after c. 6000 B.C. This warming may have stimulated movements to the coast of desert peoples who then shared their milling-stone technology with the older coastal groups. The La Jolla economy and tool assemblage seems to indicate such an infusion of coastal and desert traits instead of a total cultural displacement.

The Pauma Tradition may be one of the La Jolla Complex's inland variants, exhibiting a shift to a hunting and gathering economy, rather than one based on shellfish gathering. Implications of this shift are an increase in the number and variety of stone tools and a decrease in the amount of shell. At this time, it is not known whether the Pauma Complex represents the seasonal occupation of inland sites by La Jolla groups or whether it represents a shift from a coastal to a non-coastal cultural adaptation by the same people.

The late period is represented by the San Luis Rey Complex. This Complex may be divided into two periods: San Luis Rey I (A.D. 1400-1750) and the San Luis Rey II (A.D. 1750-1850). The San Luis Rey I type component includes cremations, bedrock mortars, milling-stones, small triangular projectile points with concave bases, bone awls, stone pendants, Olivella shell beads, and quartz crystals. The San Luis Rey II assemblage is the same as San Luis Rey I, but with the addition of pottery vessels, cremation urns, tubular pipes, stone knives, steatite arrow straighteners, red and black pictographs, and such non-aboriginal items as metal knives and glass beads. Inferred San Luis Rey subsistence activities include hunting and gathering with an emphasis on acorn harvesting.

The Greven Knoll Pattern is a redefined interpretation of the Encinitas Tradition proposed by Sutton because the early milling stone archaeological record in the northern portion of the interior southern California was not formally named. Then referred to as 'Inland Milling stone,' or 'Encinitas', Sutton suggested that all expressions of the inland milling stone in southern California north of San Diego County be grouped together in the Greven Knoll Complex (Sutton M. Q., 2010).



History²

Four principle periods of historical occupation existed in southern California: the Explorer Period (A.D. 1540-1768), the Spanish Mission Period (A.D. 1769-1821), the Mexican Rancho Period (A.D. 1821-1848), and the American Period (post 1848).

Spanish Mission Period (A.D. 1769-1821)

In the general project area, the Spanish Mission Period first represents historical occupation. Although earlier European explorers had traveled throughout southern California, it was not until the 1769 “Sacred Expedition” of Captain Gaspar de Portola and Franciscan Father Junipero Serra that there was actual contact with the region’s aboriginal inhabitants. The intent of the expedition, which began in San Blas, Baja California, was to establish missions and presidios along the California coast, thereby serving the dual purpose of converting Indians to Christianity and expanding Spain’s military presence in the “New World.” In addition, each mission became a commercial enterprise utilizing Indian labor to produce commodities such as wheat, hides, and tallow that could be exported to Spain. Founded on July 16, 1769, the Mission San Diego de Alcalá was the first mission, while the Mission San Francisco Solana was the last mission, founded on July 4, 1823.

In 1798, the Mission San Luis Rey de Francia (located in what is now Oceanside) was founded and all aboriginals living within the mission’s realm of influence became known as the “Luiseño.” Within a 20-year period, under the guidance of Fr. Antonio Peyri, the mission prospered to a degree that it was often referred to as the “King of the Missions.” During this period, the Mission San Luis Rey de Francia claimed the entire region that is now western Riverside County and northern San Diego County as a cattle ranch, although the Mission San Juan Capistrano’s records show this region as part of their holdings.

Toward the end of this period, a Federal law was passed that would have a substantial future impact on the study area in that it encouraged both increased settlement and land speculation. The Land Act of 1820, enacted April 24, 1820, ended the ability to purchase the United States’ public domain lands on a credit or installment system over four years, as previously established. At the time, these lands were located on the frontier within the Congress Lands of Ohio and elsewhere in the Northwest Territory and Missouri Territory, in what was then “The West.” The Land Act later applied to lands all the way to California as the Western boundaries expanded. Although the Land Act helped create a new age of Western growth and influence, it also increased the confiscation of land from Native Americans.

Mexican Rancho Period (A.D. 1821-1848)

During the Mexican Rancho Period, the first Mexican rancho was established following the Mexican government’s enactment of the Secularization Act of 1833. Mexican governors were empowered to grant vacant land to contractors (empresarios), families, or private citizens (whether Mexican or foreigners) who may ask for it for the purpose of cultivating or inhabiting it. Mexican governors granted approximately 500 ranchos during this period.

2 Ibid.



The first use of the name San Jacinto Rancho was for a Mission San Luis Rey cattle ranch that had been named for the Silesian-born Dominican Saint Hyacinth (Jacinto is Spanish for Hyacinth), although there is no record of exactly when the Mission established the ranch. The ranch was claimed by the Mission San Juan Capistrano as well but remained in the Mission San Luis Rey's possession of the. On August 9, 1842, José Antonio Estudillo, who had been Mission San Luis Rey's mayordomo from 1840 to 1843, filed a grant application for four-square leagues of the San Jacinto Rancho. Estudillo's petition stated that the land was absolutely vacant and that the land contained only an "indifferent house covered with earth, ten varas in length and of a corresponding width, which however is in a ruinous condition, and also an old corral which is useless, all constructed by the Indians, who sometimes live there, at which times they also make some small gardens." Mexican authorities investigated Estudillo's claim and determined that the land was indeed vacant and had been so for a long time, with only "three Christianized Indians living on said place," all of whom were reportedly desirous of Estudillo taking over the land. Although two other individuals had previously petitioned for the ranch, Governor pro-tem Manuel Jimeno, apparently in consideration of Estudillo's work for the Mexican government as mayordomo of San Luis Rey, granted eight square leagues of the San Jacinto Rancho to Estudillo on December 21, 1842, an amount of land twice the size of what Estudillo had requested.

Such a large grant may have overwhelmed Estudillo because in 1845 Estudillo's son-in-law, Miguel de Pedorena, petitioned for the grant of surplus land from the San Jacinto Rancho. Pedorena's petition showed the original eight-league grant cut in half with Estudillo's portion to the southeast labeled "San Jacinto Viejo" (Old San Jacinto) and Pedorena's portion in the northwest named "San Jacinto Nuevo" (New San Jacinto). Pedorena also requested a small area north of San Jacinto in the Badlands. When submitted to the governor, Pedorena's entire petition was called the San Jacinto Nuevo y Potrero, which essentially means "surplus lands of the old San Jacinto Rancho."

American Period (post 1848)

On March 17, 1882, the California Southern Railroad commenced service, extending from National City near the Mexican border in San Diego County, northerly to Temecula and Murrieta, across the Perris Valley, down the Box Springs Grade, and on to the City of San Bernardino. Under the supervision of chief engineer Frederick Thomas Perris, the railway had been completed through the Perris Valley early in 1882 and settlers rushed to the region to homestead and buy railroad land. The original rail station in this area was the town of Pinacate, located approximately two miles south of the present City of Perris. Unfortunately, from the time the first train came through Temecula on its way to from National City to San Bernardino, the California Southern Railroad had been plagued by flooding and washouts in Temecula Canyon. Railway service was disrupted for months at a time and a fortune was spent on rebuilding the washed-out tracks. Finally, in 1891 the Santa Fe Railroad constructed a new line from Los Angeles to San Diego down the coast and when later that year the California Southern Railway's route through Temecula Canyon once again washed out, that line portion was discontinued.

Around the time that the California Southern Railroad commenced service, L. Menifee Wilson, a 20-year-old from Kentucky, moved to the area and located what appears to have been the first gold quartz mine in southern California. The mine was named the Menifee Quartz Lode. As news of his find spread, miners flocked to the region to try their luck. Hundreds of gold mining claims



were subsequently filed in the region around Menifee's mine and this area became known as Menifee and the Menifee Valley. In addition to the Menifee Mine, three other gold mines were located in the vicinity: Twin Buttes I & Twin and the Leon Mine. The locally-famous Leon Mine yielded an abundance of gold beginning with its discovery on February 26, 1894 by J. Watts Briggs. Briggs was soon joined by his brother, Charles H. Briggs, in developing the mine. Together they erected a roller mill, excavated a tunnel 300-feet into the hillside, with a perpendicular shaft down 130 feet, and constructed a boarding house and blacksmith shop. In September of 1895, the Leon Gold Mining Company became a corporation for the business of buying, selling, and developing mining properties.

The project site encompasses the community of Winchester, which was founded in 1886. This area was originally known as Pleasant Valley, tracing its roots to the 1879 arrival of the first known non-Native settlers in the area, Robert Kirkpatrick and his four sons from Tennessee. Shortly thereafter, Swiss emigrants Angelo Domenigoni and Gaudenzio Garboni began ranching south of the community and Pleasant Valley began to expand as word spread of its attractive attributes. The actual town of Winchester appears to have had its beginning during the summer of 1887 when surveyor T.M. Parsons was hired to draw a map of a townsite to be called Winchester. The sale of land in the new town of Winchester began when the map was filed on January 3, 1888.

Construction began in 1887 on the branch rail line from Perris to San Jacinto under the Perris & San Jacinto Railway charter and the line commenced operation on May 20, 1888. In 1890, the railroad depot was finally built and Tilla Patterson, daughter of early settler John Patterson, was named the Winchester station master, a position she would hold until 1929-1930 when the depot closed at the railroad's behest. By 1890, the town of Winchester had a population of 200 that was served by the Methodist church, a brick business block, two warehouses, a hotel, store, blacksmith shop, tin shop, feed stable, wagon shop, and two physicians. Winchester became known as an important shipping center for wheat and barley, with over 200,000 sacks of grain shipped in 1889 alone. Despite the anticipated future growth and success of Winchester, by 1891, Amy Winchester (after whom the town was named) had divested her land holdings in and around Winchester and moved out of the area. During the early 1890s, some Winchester residents began to discuss irrigating lands in the Pleasant Valley area instead of depending on simple dry-farming and livestock. They believed that the crop diversification permitted by irrigation would improve their existence and standard of living. At that time, wells provided an adequate supply of water for residents and their livestock, but not enough for large scale farming. Unfortunately, a good, sufficient supply of water was several miles away in the San Jacinto Mountains, but this problem did not seem insurmountable. Backers of a new irrigation district in Winchester joined with leaders in San Jacinto and on August 3, 1891, the San Jacinto and Pleasant Valley Irrigation District was formed. The new water district's task was to bring water from the San Jacinto Mountains to Winchester and San Jacinto, but the problem was that most of the water was already claimed so they were forced to purchase existing claims. Over the next few years, they purchased existing water systems in San Jacinto and from Fairview Land and Water Company. However, not only was this water supply inadequate, but the canals had been dug into the dirt, with no concrete or rock lining, and as a result, a tremendous amount of water was lost to percolation, evaporation, and rodent burrowing. Further, the 1894 drought that devastated southern California further eroded the amount of water available for irrigation.



By 1899, the San Jacinto and Pleasant Valley Irrigation District was no more, with the Riverside County Superior Court declaring that the district had been created illegally. Without irrigation water, Winchester depended once again on dry-farmed grain and livestock raising. Good access to the railroad allowed the town to experience some success, particularly since it was surrounded by thousands of acres of land ideal for grain and livestock production. Although by the early 1900s Winchester had declined to the point of almost resembling a ghost town, by the 20th century's latter half, the area gradually recovered and developed into a small rural town that serves the needs of the region's farmers and ranchers.

4.5.2 REGULATORY SETTING

FEDERAL LEVEL

National Historic Preservation Act of 1966

Federal regulations for cultural resources are governed primarily by Section 106 of the National Historic Preservation Act (NHPA) of 1966. Section 106 requires Federal agencies to take into account the effects of their undertakings on historic properties and affords the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The council's implementing regulations, Protection of Historic Properties, are found in 36 Code of Federal Regulations (CFR) Section 800. The goal of the Section 106 review process is to offer a measure of protection to sites that are determined eligible for listing on the National Register of Historic Places (NRHP). The criteria for determining NRHP eligibility are found in 36 CFR 60. Amendments to the act (1986 and 1992) and subsequent revisions to the implementing regulations have, among other things, strengthened the provisions for Native American consultation and participation in the Section 106 review process. While Federal agencies must follow Federal regulations, most projects by private developers and landowners do not require this level of compliance. Federal regulations only come into play in the private sector if a project requires a Federal permit or if it uses Federal funding.

National Register of Historical Places

The NRHP was established by the NHPA as “an authoritative guide to be used by Federal, State, and local governments, private groups, and citizens to identify the nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment.” However, the Federal regulations explicitly provide that a listing of private property on the NRHP “does not prohibit under Federal law or regulation any actions which may otherwise be taken by the property owner with respect to the property.”³

Historic properties, as defined by the Advisory Council on Historic Preservation, include any “prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior.”⁴ A property is eligible for the NRHP if it is significant under one or more of the following criteria:

3 36 C.F.R § 60.2[b1]

4 36 C.F.R § 800.16[1]



4.5 Cultural Resources

- Criterion A: It is associated with events that have made a significant contribution to the broad patterns of our history; or
- Criterion B: It is associated with the lives of persons significant in our past; or
- Criterion C: It embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- Criterion D: It has yielded, or may be likely to yield, information important in prehistory or history.

Criterion (D) is usually reserved for archaeological resources. Eligible cultural resources must meet at least one of the above criteria and exhibit integrity, measured by the degree to which the resource retains its historical properties and conveys its historical character.

Native American Graves Protection and Repatriation Act of 1990

The Native American Graves Protection and Repatriation Act of 1990 sets provisions for the intentional removal and inadvertent discovery of human remains and other cultural items from Federal and tribal lands. It clarifies the ownership of human remains and sets forth a process for repatriation of human remains and associated funerary objects and sacred religious objects to the Native American groups claiming to be lineal descendants or culturally affiliated with the remains or objects. It requires any Federally funded institution housing Native American remains or artifacts to compile an inventory of all cultural items within the museum or with its agency and to provide a summary to any Native American tribe claiming affiliation.

National Historic Landmarks Program

The National Historic Landmarks Program, developed in 1982 and as authorized by the Historic Site Act, identifies and designates National Historic Landmarks (NHLs) to “encourage the long-range preservation of nationally-significant properties that illustrate or commemorate the history and prehistory of the U.S.” The program is administered by the Department of the Interior pursuant to 36 CFR § 65.5. Unlike any of the other State or Federal registries, sites listed on the NHL are explicitly preserved and protected from harm under Federal law.

American Indian Religious Freedom Act

This Act became law in 1978 to protect and preserve for American Indians their inherent right of freedom to believe, express and exercise their traditional religions. These religious rights extend to, but are not limited to, access to sites, use and possession of sacred objects and the freedom to worship through ceremonials and traditional rites.

Under this regulation, Federal agencies and departments are charged with evaluating their policies and procedures in consultation with native traditional religious leaders to eliminate interference with the free exercise of native religion. Agencies must determine and make appropriate changes necessary to protect and preserve Native American religious cultural rights and practices, and to accommodate access to and use of religious sites “to the extent that the



use is practicable and not inconsistent with an agency’s essential functions.” The intent is to protect Native Americans’ First Amendment right to “free exercise” of religion.

Federal Antiquities Act

The Federal Antiquities Act of 1906 was enacted with the primary goal of protecting cultural resources in the United States. As such, it explicitly prohibits appropriation, excavation, injury and destruction of “any historic or prehistoric ruin or monument, or any object of antiquity” located on lands owned or controlled by the Federal government without the Secretary of the Federal department’s permission with jurisdiction. It also establishes criminal penalties, including fines and/or imprisonment, for these acts.

Actions by the U.S. Army Corps of Engineers

Appendix C of Title 33 CFR § 325 establishes procedures to be followed by the U.S. Army Corps of Engineers (USACE) to fulfill the NHPA’s requirements, as well as other applicable historic preservation laws and presidential directives related to historic resources potentially affected by USACE actions (including issuance of permits pursuant to the Federal Clean Water Act [CWA]). It specifies that when a project’s authorization requires a Federal action (for example, issuance of permit pursuant to CWA § 404), the project must comply with the requirements of NHPA § 106.

STATE LEVEL

California Environmental Quality Act

State historic preservation regulations affecting the project include the statutes and guidelines contained in CEQA, Public Resources Code (PRC) Sections 20183.2 and 21084.1, and State CEQA Guidelines Section 15064.5. CEQA requires lead agencies to carefully consider the potential effects of a project on historical resources. A historical resource includes, but is not limited to, any object, building, structure, site, area, place, record or manuscript which is historically or archaeologically significant.⁵ Section 15064.5 of the State CEQA Guidelines specifies criteria for evaluating the significance or importance of cultural resources, including:

- The resource is associated with events that have made a contribution to the broad patterns of California history;
- The resource is associated with the lives of important persons from our past;
- The resource embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important individual or possesses high artistic values; or
- The resource has yielded, or may be likely to yield, important information in prehistory or history.

5 PRC § 5020.01



Advice on procedures to identify such resources, evaluate their importance, and estimate potential effects is given in several agency publications, such as the series produced by the Governor's Office of Planning and Research (OPR). The technical advice series produced by OPR strongly recommends that Native American concerns and the concerns of other interested persons and corporate entities, including but not limited to museums, historical commissions, associations, and societies, be solicited as part of the process of cultural resources inventory. In addition, California law protects Native American burials, skeletal remains, and associated grave goods regardless of the antiquity and provides for the sensitive treatment and disposition of those remains.

California Register of Historical Resources

Assembly Bill (AB) 2881 was signed into law in 1992, establishing the California Register of Historical Resources (CRHR). The CRHR is an authoritative guide in California used by State and local agencies, private groups, and citizens to identify the State's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change. The criteria for eligibility for the CRHR are based on NRHP criteria. Certain resources are determined by the statute to be included on the CRHR, including California properties formally determined eligible for or listed in the NRHP, State Landmarks, and State Points of Interest.

The California Office of Historic Preservation (OHP) has broad authority under Federal and State law for the implementation of historic preservation programs in California. The State Historic Preservation Officer makes determinations of eligibility for listing on the NRHP and the CRHR.

The appropriate standard for evaluating "substantial adverse effect" is defined in PRC Sections 5020.1(q) and 21084.1. Substantial adverse change means demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired. Such impairment of significance would be an adverse impact on the environment.

Cultural resources consist of buildings, structures, objects, or archaeological sites. Each of these entities may have historic, architectural, archaeological, cultural, or scientific importance. Under the State CEQA Guidelines, a significant impact would result if the significance of a cultural resource would be changed by project area activities. Activities that could potentially result in a significant impact include demolition, replacement, substantial alteration, and relocation of the resource. The resource's significance is required to be determined prior to analysis of the level of significance of project activities. The steps required to be implemented to determine significance in order to comply with State CEQA Guidelines are:

- Identify cultural resources.
- Evaluate the significance of the cultural resources based on established thresholds of significance.
- Evaluate the effects of a project on all cultural resources.
- Develop and implement measures to mitigate the effects of the project on significant cultural resources.



Sections 6253, 6254, and 6254.10 of the California Government Code authorize State agencies to exclude archaeological site information from public disclosure under the Public Records Act. In addition, the California Public Records Act (CPRA; Government Code [GC] Section 6250 et seq.) and California’s open meeting laws (Brown Act, GC Section 54950 et seq.) protect the confidentiality of Native American cultural place information. The CPRA (as amended, 2005) contains two exemptions that aid in the protection of records relating to Native American cultural places by permitting any State or local agency to deny a CPRA request and withhold from public disclosure:

- Records of Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects described in Section 5097.9 and Section 5097.993 of the Public Resources Code maintained by, or in the possession of, the Native American Heritage Commission, another State agency, or a local agency⁶; and
- Records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, another State agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a State or local agency⁷

Likewise, the Information Centers of the California Historical Resources Information System (CHRIS) maintained by the OHP prohibit public dissemination of records and site location information. In compliance with these requirements, and those of the Code of Ethics of the Society for California Archaeology and the Register of Professional Archaeologists, the locations of cultural resources are considered restricted information with highly restricted distribution and are not publicly accessible.

Any project site located on non-Federal land in California is also required to comply with State laws pertaining to the inadvertent discovery of Native American human remains.

California Administrative Code, Title 14, § 4308

This section states that “No person shall remove, injure, deface or destroy any object of paleontological, archaeological or historical interest or value.”

California Code of Regulations (CCR)

In addition, CCR Title 14 § 1427 recognizes that “California’s archaeological resources are endangered by urban development and population growth and by natural forces.” Accordingly, the State Legislature finds that “these resources need to be preserved to illuminate and increase public knowledge concerning the historic and prehistoric past of California.” Lastly, it states that any person “not the owner thereof, who willfully injures, disfigures, defaces or destroys any object or thing of archaeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.” The code also specifies that it is a

6 GC § 6254.10 California Legislative Information, [Law section \(ca.gov\)](https://leginfo.ca.gov/), accessed January 7, 2022.



misdemeanor to “alter any archaeological evidence found in any cave or to remove any materials from a cave.” (See also, California Penal Code §§ 622 and 623.)

California Historical Landmarks

CHLs are buildings, structures, sites, or places that have anthropological, cultural, military, political, architectural, economic, scientific, or technical, religious, experimental, or other value and that have been determined to have statewide historical significance by meeting at least one of the criteria listed below. The resource also must be approved for designation by the County Board of Supervisors (or the city or town council in whose jurisdiction it is located); be recommended by the SHRC; and be officially designated by the Director of California State Parks. The specific standards now in use were first applied in the designation of CHL #770. CHLs #770 and above are automatically listed in the CRHR.

To be eligible for designation as a landmark, a resource must meet at least one of the following criteria:

- It is the first, last, only, or most significant of its type in the State or within a large geographic region (Northern, Central, or Southern California);
- It is associated with an individual or group having a profound influence on the history of California; or
- It is a prototype of, or an outstanding example of, a period, style, architectural movement, or construction or is one of the more notable works or the best surviving work in a region of a pioneer architect, designer, or master builder.

California Points of Historical Interest

California Points of Historical Interest are sites, buildings, features, or events that are of local (city or county) significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. Points of historical interest designated after December 1997 and recommended by the SHRC are also listed in the CRHR. No historic resource may be designated as both a landmark and a point. If a point is later granted status as a landmark, the point designation will be retired. In practice, the point designation program is most often used in localities that do not have a locally enacted cultural heritage or preservation ordinance.

To be eligible for designation as a point of historical interest, a resource must meet at least one of the following criteria:

- It is the first, last, only, or most significant of its type within the local geographic region (city or county);
- It is associated with an individual or group having a profound influence on the local area’s history; or



- It is a prototype of, or an outstanding example of, a period, style, architectural movement, or construction or is one of the more notable works or the best surviving work in the local region of a pioneer architect, designer, or master builder.

California Native American Graves Protection and Repatriation Act of 2001

Codified in the California Health and Safety Code (HSC) §§ 8010–8030, the California Native American Graves Protection and Repatriation Act (Cal NAGPRA) is consistent with the Federal NAGPRA. Intended to “provide a seamless and consistent State policy to ensure that all California Indian human remains and cultural items be treated with dignity and respect,” Cal NAGPRA also encourages and provides a mechanism for the return of remains and cultural items to lineal descendants. HSC § 8025 established a Repatriation Oversight Commission to oversee this process. The Cal NAGPRA also provides a process for non-Federally recognized tribes to file claims with agencies and museums for repatriation of human remains and cultural items.

Regulation of Cultural Resources Pursuant to the Public Resources Code

California PRC § 5097 PRC outlines the requirements for cultural resource analysis prior to the commencement of any construction project on State lands. It further specifies that the unauthorized disturbance or removal of archaeological, historical, or paleontological resources located on public lands (including those owned by counties, cities, etc.) is a misdemeanor. It also prohibits the knowing destruction of objects of antiquity without a permit (i.e., expressed permission) on public lands and provides for criminal sanctions for violators. The section was amended in 1987 to require consultation with the California Native American Heritage Commission (NAHC) whenever Native American graves are found. It also establishes that violations for taking or possessing remains or artifacts are felonies. PRC §§ 5097.9 through 5097.991 establish that no public agency or private party using or occupying public property (or operating on under a public license, permit, grant, lease or contract made after July 1, 1977) shall in any manner interfere with the free expression or exercise of Native American religion as provided in the U.S. Constitution and the California Constitution. It also prohibits such agencies and parties from causing severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site or sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require it. These sections also establish the State’s NAHC. The NAHC is tasked with working to ensure the preservation and protection of Native American human remains, associated grave goods and cultural resources. Towards this end, the NAHC has a strategic plan for assisting the public, development communities, local and Federal agencies, educational institutions and California Native Americans to better understand problems relating to the protection and preservation of cultural resources and to serve as a tool to resolve these problems. In 2006, PRC §§ 5097.91 and 5097.98 were amended by State Assembly Bill 2641 to authorize the NAHC to bring legal action when necessary to prevent damage to Native American burial grounds or places of worship. It also established more specific procedures to be implemented in the event that Native American remains are discovered.



California Government Codes Addressing Native American Heritage (Senate Bill 18)

Government Codes § 6254(r) exempts from disclosure public records of Native American graves, cemeteries and sacred places maintained by the NAHC. Pursuant to Senate Bill 18, Government Code (GC) § 65351 specifies how local planning agencies should provide opportunities for involvement of California Native American tribes to consult on the preparation or amendment of general plans. In particular, GC § 65352 requires local planning agencies to refer proposed actions of general plan adoption or amendment to California Native American tribes on the contact list maintained by the NAHC and others, with a 45-day opportunity for comments. Regarding historical properties, GC § 25373 and 37361 allows city and county legislative bodies to acquire property for the preservation or development of a historical landmark. It also allows local legislative bodies to enact ordinances to provide special conditions or regulations for the protection or enhancement of places or objects of special historical or aesthetic interest or values. Lastly, GC §§ 50280-50290 implement the Mills Act which allows the negotiation of historical property contracts between a private property owner of a “qualified historical property” and provides additional guidelines for such contracts.

California Health and Safety Code Sections 7050.5, 7051, and 7054

California Health and Safety Code Sections 7050.5, 7051, and 7054 collectively address the illegality of interference with human burial remains as well as the disposition of Native American burials in archaeological sites. The law protects such remains from disturbance, vandalism, or inadvertent destruction and establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, including the treatment of remains prior to, during, and after evaluation, and reburial procedures.

LOCAL LEVEL

Riverside County Historical Commission

The Riverside County Historical Commission was established in 2005 to advise the Board of Supervisors on historical preservation matters. It is tasked with working to discover and identify persons, events, and places of historical importance within Riverside County, and to make recommendations relating to the preservation of appropriate historic sites and structures.

Riverside County Planning Department Procedures

The Riverside County Archaeologist reviews all proposed land use projects subject to CEQA and not otherwise deemed categorically exempt. The Riverside County Archaeologist reviews various internal databases for information that might pertain to the age of any buildings found on site. Where buildings are 45 years or older, the project applicant is required to perform an architectural history evaluation to assess potential historic value as part of a historic evaluation or Phase I Cultural Resources study.

Vacant parcels within areas known to have prehistoric or historic resources trigger a Phase I Cultural Resources study. Similarly, any parcels with environmental, geomorphological, or vegetative features known to increase the likelihood of cultural resources being present trigger a “Phase I” cultural resources study. Such studies are required to follow the reporting formula



found on the Riverside County Planning Department's website which mirror the recommendations published by the SHPO in 1987. The Riverside County Archaeologist reviews all Phase I cultural resources studies for completeness and reasonable conclusions based on current industry standards in archaeology. The Phase I study serves to advise the Riverside County Archaeologist on matters relating to any identified prehistoric or historic resources, provide the requisite information to complete the project-related CEQA analysis, and guide the Riverside County Archaeologist in determining which land use conditions of approval and/or mitigation measures apply to the proposed project.

County of Riverside General Plan

Multipurpose Open Space Element

The following policies contained in the County of Riverside General Plan Multipurpose Open Space Element are applicable to the project in regard to cultural resources:

- OS 19.1: Cultural resources (both prehistoric and historic) are a valued part of the history of the County of Riverside.
- OS 19.2: The County of Riverside shall establish a cultural resources program in consultation with Tribes and the professional cultural resources consulting community. Such a program shall, at a minimum, address each of the following: application processing requirements; information database(s); confidentiality of site locations; content and review of technical studies; professional consultant qualifications and requirements; site monitoring; examples of preservation and mitigation techniques and methods; and the descendant community consultation requirements of local, State and Federal law.
- OS 19.3: Review proposed development for the possibility of cultural resources and for compliance with the cultural resources program.
- OS 19.4: To the extent feasible, designate as open space and allocate resources and/or tax credits to prioritize the protection of cultural resources preserved in place or left in an undisturbed state.
- OS 19.5: Exercise sensitivity and respect for human remains from both prehistoric and historic time periods and comply with all applicable laws concerning such remains.

Land Use Element

The following policies contained in the County of Riverside Land Use Element are applicable to the project in regard to cultural resources:

- LU 4.5: Permit historically significant buildings to vary from building and zoning codes in order to maintain the historical character of Riverside County; providing that the variations do not endanger human life and buildings comply with the State Historic Building Code.



Riverside County Ordinances

The following existing Riverside County Ordinances are intended to protect the County's cultural resources:

Chapter 15.72 – Historic Preservation Districts

The protection, preservation, enhancement, perpetuation, and use of resources of historic, architectural, archaeological, engineering, and cultural merit within Riverside County is necessary and required in the interest of the public's health, safety, social and cultural enrichment and general welfare.

The purpose of this chapter is to set forth reasonable and uniform procedures for historic preservation districts that do each of the following:

- A. Protect, enhance and perpetuate structures, architectural styles, landmarks and irreplaceable assets that represent past eras, events, and persons important in county history, or which provide significant examples of the physical surroundings in which past generations lived.
- B. Safeguard the county's historic heritage, as embodied and reflected in established historic preservation districts.
- C. Stabilize and improve property values.
- D. Protect and enhance the county's attractiveness to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
- E. Strengthen the county's economy.
- F. Promote the use of historic preservation districts for the education, pleasure, prosperity and welfare of the county's residents.

Ordinance 578 – Establishment of Historic Preservation Districts

This ordinance is intended to facilitate the preservation of areas deemed historically important to the County of Riverside (County). The ordinance specifies that a Historic Preservation District may be established if the Riverside County Board of Supervisors adopts a resolution that includes the Historic Preservation District's boundaries and finds that the proposed Historic Preservation District is in conformity with the Cultural section of the General Plan's Multipurpose Open Space Element. It must also find that, for the county, State or nation: the area exemplifies or reflects significant aspects of the cultural, political, economic or social history; the area is identified with historic personages or with important events in history; or, that the area embodies the distinguishing characteristics of a significant architectural period which is inherently valuable for the study of architecture unique to the county, State, or nation's history.

Under this ordinance, no building or structure within the boundaries of an adopted Historic Preservation District can be constructed or altered, except in strict compliance with the plans approved in conjunction with the issuance of a Historic District Alteration Permit by the Riverside County Planning Director. The ordinance also outlines how such certificates are to be reviewed



and processed to preserve the Historic District’s “historical significance and related construction theme” of the Historic District.

4.5.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the State CEQA Guidelines contains the Environmental Checklist form used during preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5 (refer to Impact Statement CUL-1);
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5 (refer to Impact Statement CUL-2);
- Disturb any human remains, including those interred outside of formal cemeteries (refer to Impact Statement CUL-3).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

4.5.4 IMPACTS AND MITIGATION MEASURES

HISTORICAL RESOURCES

CUL-1 PROJECT IMPLEMENTATION COULD CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE PURSUANT TO § 15064.5.

Impact Analysis

State CEQA Guidelines § 15064.5(c)(1) provides criteria for the determination of significance of impacts to both archaeological and historical resources.

Compliance with General Plan Policies OS 19.2 through 19.4 would ensure that future developments facilitated by the project are adequately reviewed for historic resources prior to approval; that appropriate mitigation measures are developed and incorporated into project design and project conditions of approval; and ensure that projects are appropriately reviewed for resources and conditioned to comply with applicable State and Federal regulations. Policy LU 4.5 ensures that land use projects with historically significant structures have flexibility to vary from existing building and zoning codes in an effort to preserve such structures; thereby, facilitating preservation of historical buildings. When avoidance of cultural resources is not feasible, coordination between the permittee/developer, the County and other interest group is required. Project-level compliance with general conditions of approval will also be required and



is enforceable by Riverside County. When the Riverside County Archaeologist ascribes conditions to a land use project, these measures are implemented at the land use development process's appropriate stages. Project applicants must satisfy the terms of their conditions of approval before they may be permitted to begin subsequent stages in their land use development process.⁷ Adherence to this regulatory framework will ensure that potential impacts to historic resources would be less than significant.

Mitigation Measures:

Level of Significance: Less Than Significant Impact.

ARCHAEOLOGICAL RESOURCES

CUL-2 PROJECT IMPLEMENTATION COULD CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF AN ARCHAEOLOGICAL RESOURCE § 15064.5.

Impact Analysis

Redevelopment and development of previously undeveloped areas have the potential to impact known and unknown archaeological resources. Typically, surface-level and subsurface archaeological sites and deposits can be affected by ground-disturbing activities associated with most types of construction. Significant archaeological resources exist within Riverside County, based on what is known from histories of local Native American and other descendant communities, and archaeological and historic surveys conducted by archaeologists and historians. Given the amount of undisturbed land that remains available for development, the distinct possibility exists that subsurface archaeological resources may be disturbed through future development activities.

The project proposes only to lift the Highway 79 PA's residential density restriction, resulting in the allowance of additional dwelling units on lands previously anticipated and analyzed for development. Therefore, within the Highway 79 PA, project implementation would not cause a change in the significance of an archaeological resource that was not previously anticipated by the County's General Plan. No new impact would occur in this regard.

The project proposes to modify the land use designations for a number of properties throughout the Winchester PA which will be followed by future consistency zoning actions, including properties that may contain or be adjacent to archaeological resources. Project implementation could cause an adverse change in the significance of an archaeological resource. However, due to the overall project size, mitigation for potential impacts to archaeological resources would be more appropriate at a project and site-specific level.

⁷ County of Riverside, *County of Riverside General Plan Update Environmental Impact Report*, Page 4.9-39, December 8, 2015.



Furthermore, through adherence to the previously discussed State and Federal regulations, County General Plan policies and procedures, and general conditions of approval, potential impacts from future development would be reduced to a less than significant level.

Compliance with General Plan Policies OS 19.2 through 19.4 would ensure that proposals are adequately reviewed for archaeological resources prior to approval; that appropriate mitigation measures are developed and incorporated into project design and/or conditions of approval; and, that all applicable State and Federal regulations are applied as warranted. To avoid potential impacts to archaeological resources, compliance with Mitigation Measures CUL-1 and CUL-2 would be required for future development projects that are subject to CEQA. Measure CUL-1 requires all construction work to halt if previously undiscovered cultural resources are encountered during ground disturbing activities until a qualified archaeologist can evaluate the find. Mitigation Measure CUL-2 details required protocol related to Coroner notification in the event of a human burial recovery. Future development projects approved by Riverside County also include a set of conditions of approval that are enforced by the County and are implemented at various stages of the land use development process. Project applicants must satisfy their conditions of approval before being permitted to begin the development process' subsequent stages (for example, requirements that must be met before a subdivision map can be recorded, before a grading permit, building permit or occupancy can be issued, etc.).⁸ This regulatory framework would reduce potential impacts to archaeological resources to a less than significant level with mitigation incorporated.

Mitigation Measures:

CUL-1 If during ground disturbance activities, unanticipated cultural resources* are discovered, the following procedures shall be followed: All ground disturbance activities within 100 feet of the discovered cultural resource shall be halted and the applicant shall call the County Archaeologist immediately upon discovery of the cultural resource. A meeting shall be convened between the developer, the project archaeologist**, the Native American tribal representative, and the County Archaeologist to discuss the significance of the find. At the meeting with the aforementioned parties, a decision is to be made, with the concurrence of the County Archaeologist, as to the appropriate treatment (documentation, recovery, avoidance, etc.) for the cultural resource. Resource evaluations shall be limited to nondestructive analysis.

Further ground disturbance shall not resume within the area of the discovery until the appropriate treatment has been accomplished.

* A cultural resource site is defined, for this condition, as being a feature and/or three or more artifacts in close association with each other. Tribal Cultural Resources are also considered cultural resources.

8 County of Riverside *County of Riverside General Plan Update Environmental Impact Report*, Page 4.9-42, December 8, 2015.



** If not already employed by the project developer, a County approved archaeologist and a Native American Monitor from the consulting tribe(s) shall be employed by the project developer to assess the significance of the cultural resource, attend the meeting described above, and continue monitoring of all future site grading activities as necessary.

CUL-2 If human remains are found on this site, the developer/permit holder or any successor in interest shall comply with State Health and Safety Code Section 7050.5.

Pursuant to State Health and Safety Code Section 7050.5, if human remains are encountered, no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to Public Resources Code Section 5097.98 (b), remains shall be left in place and free from disturbance until a final decision as to the treatment and their disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted by the Coroner within the period specified by law (24 hours). Subsequently, the Native American Heritage Commission shall identify the “Most Likely Descendant”. The Most Likely Descendant shall then make recommendations and engage in consultation with the property owner concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

HUMAN REMAINS

CUL-3 PROJECT IMPLEMENTATION COULD DISTURB HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES.

Impact Analysis

Future development accommodated by the project could result in disturbance of vacant lands, resulting in the potential to disturb buried human remains, including those interred outside of formal cemeteries, in both known and previously unknown locations; thereby, resulting in a potential significant impact if appropriate regulatory measures are not strictly adhered to.

Future residential development within the Highway 79 PA could disturb human remains, including those interred outside of formal cemeteries. However, this project proposes only to lift the Highway 79 PA’s residential density restriction, resulting in additional dwelling units on lands already anticipated for development. Therefore, within the Highway 79 PA, project implementation would not cause additional disturbance on any human remains, including those interred outside of formal cemeteries, that was not previously anticipated by the County’s General Plan. No new impact would occur in this regard.

The project also proposes to modify the land use designation of properties throughout the Winchester PA which will be followed by future consistency zoning actions. Future development facilitated by the project has the potential to uncover human remains. Therefore, implementation



of the project could cause substantial adverse impacts to human remains, including those interred outside of formal cemeteries.

In the unlikely event that human remains are discovered, the provisions set forth in California PRC §5097.98 and State HSC §7050.5 would be implemented in consultation with the assigned most likely descendant as identified by the NAHC. In this event, no further construction activities would be permitted until the coroner is contacted, as well as any applicable Native American tribes. The County would be required to comply with the California Native American Graves Protection and Repatriation Act (2001) and the Federal Native American Graves Protection and Repatriation Act (1990). These regulations would address inadvertent uncovering of human remains during grading. Furthermore, compliance with Mitigation Measure CUL-2 will be required for future development projects that are subject to CEQA, which requires County Coroner notification in the event of a human burial recovery. Therefore, within the Winchester PA, project implementation would not cause additional disturbance on any human remains, including those interred outside of formal cemeteries with adherence to the regulatory framework described in this section and impacts would be less than significant.

Mitigation Measures: Refer to Mitigation Measure CUL-2.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

4.5.5 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable cultural resources impacts would occur as a result of the project.



4.6 ENERGY

This section assesses the potential for impacts related to energy consumption and energy plan consistency.

Information in this section is based primarily on the following sources:

- County of Riverside General Plan
- County of Riverside Draft Environmental Impact Report No. 521 (Draft EIR No. 521)
- County of Riverside Code

For energy usage and modeling results, refer to [Appendix C, *Energy Data*](#), for more information.

4.6.1 EXISTING SETTING

ELECTRICITY

Electricity as a utility is a man-made resource. The production of electricity requires the consumption or conversion of energy resources, including water, wind, oil, gas, coal, solar, geothermal, and nuclear resources, into energy. The delivery of electricity involves a number of system components including substations and transformers that lower transmission line power (voltage) to a level appropriate for on-site distribution and use. The electricity generated is distributed through a network of transmission and distribution lines commonly called a power grid. Conveyance of electricity through transmission lines is typically responsive to market demands.

Energy capacity, or electrical power, is generally measured in watts (W) while energy use is measured in watt-hours (Wh). For example, if a light bulb has a capacity rating of 100 W, the energy required to keep the bulb on for 1 hour would be 100 Wh. If ten 100 W bulbs were on for 1 hour, the energy required would be 1,000 Wh or 1 kilowatt-hour (kWh). On a utility-scale, a generator's capacity is typically rated in megawatts (MW), which is one million watts, while energy use is measured in megawatt-hours (MWh) or gigawatt-hours (GWh), which is one billion watt-hours.

Southern California Edison (SCE) currently provides electrical services to the project area. SCE provides electricity to approximately 15 million people, 180 incorporated cities, 15 counties, 5,000 large businesses, and 280,000 small businesses throughout its 50,000-square-mile service area.¹ SCE produces and purchases its energy from a mix of conventional and renewable generating sources. [Table 4.6-1, *Energy Resources Used to Generate Electricity for SCE in 2019*](#) shows the SCE electric power mix in 2019 compared to the statewide 2019 power mix. In 2019,

¹ Southern California Edison, *By the Numbers: Who We Serve*, <https://www.sce.com/about-us>, accessed November 17, 2021.



electricity use attributable to the County was approximately 15,520 GWh (15.52 billion kWh) from residential and non-residential sectors.²

Table 4.6-1: Energy Resources Used to Generate Electricity for SCE in 2019

Energy Resources	2019 SCE Power Mix	2019 CA Power Mix
Eligible Renewable	35%	32%
<i>Biomass and Biowaste</i>	1%	2%
<i>Geothermal</i>	6%	5%
<i>Eligible Hydroelectric</i>	1%	2%
<i>Solar</i>	16%	12%
<i>Wind</i>	12%	10%
Coal	0%	3%
Large Hydroelectric	8%	15%
Natural Gas	16%	34%
Nuclear	8%	9%
Other	<1%	<1%
Unspecified Sources of Power ¹	33%	7%
Total	100%	100%
1 Electricity from transactions that are not traceable to specific generation sources.		
Source: Southern California Edison, 2019 Power Content Label, https://www.sce.com/sites/default/files/inline-files/SCE_2019PowerContentLabel.pdf , accessed June 15, 2021.		

ENERGY USE

Energy use is typically quantified using the British Thermal Unit (BTU). Total energy use in California was 7,829 trillion BTU in 2019 (the most recent year for which this specific data is available), which equates to an average of approximately 202 million BTU per capita.³ Of California's total energy use, the breakdown by sector is approximately 39 percent transportation, 23 percent industrial, 19 percent commercial, and 19 percent residential. Electricity and natural gas in California are generally used by stationary sources such as residential, commercial, and industrial uses, whereas petroleum use is generally accounted for by transportation-related energy use.⁴ In 2019, taxable gasoline sales (including aviation gasoline) in California was 15,338,758,756 gallons.⁵

2 California Energy Commission, *Electricity Consumption by County*, <http://ecdms.energy.ca.gov/electbycounty.aspx>, accessed June 15, 2021.

3 U.S. Energy Information Administration, *California Energy Consumption Estimates, 2019*, <https://www.eia.gov/state/?sid=CA#tabs-1>, accessed June 15, 2021.

4 Ibid.

5 California Department of Tax and Fee Administration, *Net Taxable Gasoline Gallons*, <https://www.cdtfa.ca.gov/taxes-and-fees/spftrpts.htm>, accessed June 15, 2021.



NATURAL GAS

The Southern California Gas Company (SoCalGas), the natural gas service provider to the project area, services approximately 21 million people in a 20,000-square mile service territory. SoCalGas has four storage fields and a combined storage capacity of approximately 134 billion cubic feet. According to the California Energy Commission (CEC), residential natural gas demand in the SoCalGas service area was 5,424 million therms in 2019.⁶ The CEC prepared three scenarios for forecasting future growth in natural gas demand between 2012 and 2022: a high-energy demand case, a low-energy demand case, and a mid-energy demand case. The low-demand scenario, which incorporates relatively high economic and demographic growth, relatively low electricity and natural gas rates, and relatively low-efficiency program and self-generation impacts, estimates that natural gas demand in the SoCalGas service area would be 7,951 million therms in 2022 (the latest year in the demand forecast).

Natural gas provides almost a third of California's total energy requirements and will continue to be a major fuel in California's energy supply. Only 13.5 percent of California's natural gas use came from in-state production in 2006, the rest was delivered by pipelines from several production areas in the western United States and western Canada. Once the gas arrives in California, it is distributed by the State's three major gas utilities that provide a collective of 98 percent of the State's natural gas. In 2019, natural gas use attributable to Riverside County was approximately 453 million therms from residential and non-residential sectors,⁷ equivalent to approximately 45.289 million cubic feet.

TRANSPORTATION FUEL

California's transportation sector uses approximately one-half of the energy consumed in the State. In 2019, Californians consumed approximately 15.3 billion gallons of gasoline and 3.0 billion gallons of diesel fuel.⁸ As shown in Table 4.6-2, *Automotive Fuel Consumption in Riverside County 2012-2021*, on-road automotive fuel consumption increased from 2013 to 2016 but is projected to decrease to less than the consumption amounts of 2012 in 2021. Riverside County's heavy-duty diesel fuel consumption has increased since 2012.

6 California Energy Commission, *Gas Consumption by Entity*, <http://www.ecdms.energy.ca.gov/gasbyutil.aspx>, accessed June 15, 2021.

7 California Energy Commission, *Gas Consumption by County*, <http://www.ecdms.energy.ca.gov/gasbycounty.aspx>, accessed June 15, 2021.

8 California Department of Tax and Fee Administration, *Net Taxable Gasoline Gallons*, <https://www.cdtfa.ca.gov/taxes-and-fees/spftrpts.htm>, accessed June 15, 2021.



Table 4.6-2: Automotive Fuel Consumption in Riverside County 2012-2021

Year	Gasoline Fuel Consumption (Thousand Gallons)	Heavy-Duty Vehicle/Diesel Fuel Consumption (Thousand Gallons)
2012	728,150	214,413
2013	734,253	222,420
2014	747,387	226,583
2015	771,276	230,281
2016	799,118	247,131
2017	768,458	249,415
2018	756,450	253,005
2019	743,907	256,047
2020	733,004	257,800
2021 (projected)	723,053	258,596

Source: California Air Resources Board, EMFAC2017.

4.6.2 REGULATORY SETTING

FEDERAL LEVEL

Federal Energy Regulatory Commission

The Federal Energy Regulatory Commission duties include the regulation of the transmission and sale of electricity and natural gas in interstate commerce, licensing of hydroelectric projects, and oversight of related environmental matters.

The Federal Energy Regulatory Commission is an independent agency that regulates the transmission and sale of electricity, natural gas, and oil; licenses and inspects hydropower projects; reviews proposals to build liquefied natural gas terminals; and oversees related environmental matters.

The California Public Utilities Commission (CPUC) regulates privately owned (i.e., investor-owned) electric power and natural gas utility companies in the State of California, as well as telecommunications, water, railroad, rail transit and passenger transportation utilities. Assembly Bill 1890, enacted in 1996, deregulated the power generation industry, allowing customers to purchase electricity on the open market. Under deregulation, the production and distribution of power that was under the control of investor-owned utilities (e.g., Southern California Edison) was decoupled. For these utilities, the CPUC regulates the design, installation and management of California's public electric, natural gas, water, transportation, and telecommunications. The CPUC also provides consumer programs and information, such as energy efficiency, low income programs, demand response and California solar initiative for California's energy consumers.



Energy Policy Act of 2005

On August 8, 2005, President George W. Bush signed the National Energy Policy Act of 2005 (EPAcT) (Public Law 109-58) into law. This comprehensive energy legislation contains several electricity-related provisions that aim to:

- Help ensure that consumers receive electricity over a dependable, modern infrastructure;
- Remove outdated obstacles to investment in electricity transmission lines;
- Make electric reliability standards mandatory instead of optional; and
- Give Federal officials the authority to site new power lines in Department of Energy-designated national corridors in certain limited circumstances.

The Renewable Fuel Standard (RFS) program was created under the EPAcT, and established the first renewable fuel volume mandate in the United States. The program regulations were developed in collaboration with refiners, renewable fuel producers, and many other stakeholders. As required under EPAcT, the original RFS program (RFS1) required 7.5 billion gallons of renewable fuel to be blended into gasoline by 2012.

Energy Independence and Security Act of 2007

The Energy Independence and Security Act (EISA; Public Law 110-140) was signed into law by President George W. Bush on December 19, 2007. The EISA's goal is to achieve energy security in the United States by increasing renewable fuel production, improving energy efficiency and performance, protecting consumers, improving vehicle fuel economy, and promoting research on greenhouse gas (GHG) capture and storage. Under the EISA, the RFS2 program was expanded in several key ways:

- EISA expanded the RFS program to include diesel, in addition to gasoline;
- EISA increased the volume of renewable fuel required to be blended into transportation fuel from 9 billion gallons in 2008 to 36 billion gallons by 2022;
- EISA established new categories of renewable fuel, and set separate volume requirements for each one; and
- EISA required the USEPA to apply lifecycle GHG performance threshold standards to ensure that each category of renewable fuel emits fewer GHG than the petroleum fuel it replaces.

RFS2 lays the foundation for achieving significant reductions of GHG from the use of renewable fuels, for reducing imported petroleum, and encouraging the development and expansion of the nation's renewable fuels sector. The EISA also includes a variety of new standards for lighting and for residential and commercial appliance equipment. The equipment includes residential refrigerators, freezers, refrigerator-freezers, metal halide lamps, and commercial walk-in coolers and freezers. Additional provisions of the EISA address energy savings in government and public institutions, promoting research for alternative energy, additional research in carbon capture, international energy programs, and the creation of "green jobs."



STATE LEVEL

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24)

California Code of Regulations (CCR) Title 24, *California Building Standards*, contains the energy efficiency standards related to residential and non-residential buildings. Title 24 standards are based, in part, on a State mandate to reduce California's energy demand. These are prescriptive standards that establish maximum energy consumption levels for the heating and cooling of new buildings. The use of alternative energy applications in development projects, while encouraged, is not required as a development condition. Such applications may include installation of photovoltaic solar panels, active solar water heating systems, or integrated pool deck water heating systems, all of which serve to displace consumption of conventional energy sources. Incentives are primarily State and Federal tax credits, as well as reduced energy bills. The Subdivision Map Act requires subdivisions of five or more lots, other than condominium conversions, to provide for, to the extent feasible, future passive or natural heating or cooling opportunities in the subdivision. The City is responsible for implementing this requirement. A new development project is required to incorporate the most recent Title 24 standards in effect at the time a building permit application is submitted. The 2019 Building Energy Efficiency Standards were adopted on May 9, 2018 and went into effect on January 1, 2020. Under the 2019 standards, homes will use approximately 53 percent less energy and non-residential buildings will use approximately 30 percent less energy than buildings under the 2016 Title 24 standards.

California Green Building Code

The California Green Building (CALGreen) Code (California Code of Regulations, Title 24, Part 11), is a statewide mandatory construction code that was developed and adopted by the California Building Standards Commission and the California Department of Housing and Community Development. CALGreen standards require new residential and commercial buildings to comply with mandatory measures under five topical areas: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. CALGreen also provides voluntary tiers and measures that local governments may adopt which encourage or require additional measures in the five green building topics. The most recent update to the CALGreen Code was adopted in 2019 and went into effect on January 1, 2020. CALGreen requires new buildings to reduce water consumption by 20 percent, divert 50 percent of construction waste from landfills, and install low pollutant-emitting materials.

California Public Utilities Commission Energy Efficiency Strategic Plan

The California Public Utilities Commission (CPUC) prepared an Energy Efficiency Strategic Plan in 2011 with the goal of promoting energy efficiency and a reduction in greenhouse gases. Assembly Bill 1109, adopted in 2007, also serves as a framework for lighting efficiency. This bill requires the State Energy Resources Conservation and Development Commission to adopt minimum energy efficiency standards as a means to reduce average statewide electrical energy consumption by not less than 50 percent from the 2007 levels for indoor residential lighting and not less than 25 percent from the 2007 levels for indoor commercial and outdoor lighting by



2018. According to the Energy Efficiency Strategic Plan, lighting comprises approximately one-fourth of California’s electricity use while nonresidential sector exterior lighting (parking lot, area, walkway, and security lighting) usage comprises 1.4 percent of California’s total electricity use, much of which occurs during limited occupancy periods.

California Energy Commission Integrated Energy Policy Report

In 2002, the California State legislature adopted Senate Bill (SB) 1389, which requires the CEC to develop an Integrated Energy Policy Report (IEPR) every two years. SB 1389 requires the CEC to conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices, and use these assessments and forecasts to develop energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the State's economy, and protect public health and safety.

The CEC adopted the 2019 IEPR on February 20, 2020. The 2019 IEPR provides the results of the CEC’s assessments of various energy issues facing California and covers a broad range of topics, including implementation of SB 100 (statewide greenhouse gas reduction targets), integrated resource planning, distributed energy resources, transportation electrification, solutions to increase resiliency in the electricity sector, energy efficiency, transportation electrification, barriers faced by disadvantaged communities, demand response, transmission, landscape-scale planning, electricity and natural gas demand forecast, transportation energy demand forecast, renewable gas, updates on Southern California’s electricity reliability, natural gas outlook, and climate adaptation and resiliency.

LOCAL LEVEL

County of Riverside General Plan

The following policies contained in the County of Riverside General Plan Air Quality Element are applicable to the project in regard to energy:

Air Quality Element

- AQ 4.2 Require the use of all feasible efficient heating equipment and other appliances, such as water heaters, swimming pool heaters, cooking equipment, refrigerators, furnaces and boiler units.

- AQ 4.3 Require centrally heated facilities to utilize automated time clocks or occupant sensors to control heating where feasible.

- AQ 4.4 Require residential building construction to comply with energy use guidelines detailed in Part 6 (California Energy Code) and/or Part 11 (California Green Building Standards Code) of Title 24 of the California Code of Regulation.

- AQ 20.10 Reduce energy consumption of the new developments (residential, commercial and industrial) through efficient site design that takes into consideration solar orientation and shading, as well as passive solar design.



4.6 Energy

- AQ 20.11 Increase energy efficiency of the new developments through efficient use of utilities (water, electricity, natural gas) and infrastructure design. Also, increase energy efficiency through use of energy efficient mechanical systems and equipment.
- AQ 20.12 Support programs to assist in the energy-efficient retrofitting of older affordable housing units to improve their energy efficiency, particularly residential units built prior to 1978 when CCR Title 24 energy efficiency requirements went into effect.
- AQ 20.21 Provide homeowner education programs on the various voluntary ways in which they may reduce their homes' GHG emissions, e.g., improving home insulation, adding solar energy capabilities, and providing information on energy saving landscaping techniques.
- AQ 20.25 Coordinate County GHG emissions reduction efforts with those of other regional agencies and plans, i.e., SCAG's Compass Blueprint, Regional Transportation Plan (RTP) and SCAQMD's [South Coast Air Quality Management District] Air Quality Management Plans. In addition, coordinate with cities and sub-regional planning agencies, particularly WRCOG and CVAG, on efforts that jointly affect the County and the cities. Also, coordinate with utility and service providers to develop programs to improve energy efficiency, water efficiency and delivery or structural improvements to reduce demand or better coordinate infrastructure development, as appropriate.

Multipurpose Open Space Element

The following policies contained in the County of Riverside General Plan Air Quality Element are applicable to the project in regard to energy:

- OS 11.1 Enforce the State Solar Shade Control Act, which promotes all feasible means of energy conservation and all feasible uses of alternative energy supply sources.
- OS 11.2 Support and encourage voluntary efforts to provide active and passive solar access opportunities in new developments.
- OS 11.3 Permit and encourage the use of passive solar devices and other state-of-the-art energy resources.
- OS 11.4 Encourage site-planning and building design that maximizes solar energy use/potential in future development applications.
- OS 15.2 Development of renewable resources should be encouraged.
- OS 16.1 Continue to implement Title 24 of the California Code of Regulations (the "California Building Standards Code") particularly Part 6 (the California Energy Code) and Part 11 (the California Green Building Standards Code), as amended and adopted pursuant to County ordinance. Establish mechanisms and incentives to encourage architects and builders to exceed the energy efficiency standards of within CCR Title 24.



- OS 16.13 Encourage installation and use of new technology at existing facilities or the establishment of new waste-reduction facilities, where cost-effective and appropriate, to ensure that optimum energy conservation is achieved.
- OS 16.14 Coordinate energy conservation activities with the County Climate Action Plan (CAP) as decreasing energy usage also helps reduce carbon emissions.

Riverside County Ordinances

The following Riverside County Ordinances and County Board of Supervisors (BOS) policies address impacts related to global climate change and related issues, such as energy efficiency.

BOS Policy H-29, *Sustainable Building Policy*: Adopted in February 2009, this policy establishes a series of sustainable building practices to be used “in the design of [Riverside] County capital improvement project in order to reduce pollution, protect natural resources, enhance asset value, optimize building performance and create healthier workplaces for [Riverside] County employees.” Among other things, use of “green” building practices include both design changes and engineering equipment features designed to reduce operating costs associated with heating, ventilation and air conditioning (HVAC) systems and lighting systems by using “as little energy as possible.” Specifically, the policy states that all Riverside County building projects exceeding 5,000 square feet initiated on or after March 1, 2009, must meet the criteria for LEEDTM certification under the LEEDTM rating system or a Riverside County-approved equivalent. For renovations to existing buildings, the Board encourages the use of LEEDTM existing building (LEED-EB) criteria. The policy also sets forth a number of performance targets and goals that “should be met or exceeded.”

BOS Policy H-4, *Conservation of Energy in County Facilities*: This policy was originally adopted by the Board in 1975, revised once in 1979 and then several times between 2001 and present, most recently in August 2010. First and foremost, the policy states that “all County [of Riverside] departments are responsible for conserving energy.” It outlines an extensive list of actions to be taken by the Riverside County Economic Development Agency (EDA) in its role of managing and operating County of Riverside (County) facilities. Areas covered by EDA directives include building heating and cooling systems (i.e., reducing AC use), lighting (i.e., increasing use of fluorescent bulbs and reducing lighting use), building controls (that is, building automation systems set and monitored to only operate lighting, equipment and other electricity use only during a building’s operational hours), water conservation, energy conservation programs developed in conjunction with local providers and energy efficiency programs which specify that rebates and incentives obtained for various conservation activities or purchases be used to further fund such measures. Less detailed directives applicable to all Riverside County departments are also included.

Riverside County Community Action Partnership

Riverside County Weatherization Program: Due to some existing development, though this may be useable in certain future documents. This program has been offered by the Community Action Partnership of Riverside County since 1979. The services are available at no cost to low-income homeowners and renters living in Riverside County who meet the income guidelines. Priority is given to families with the lowest incomes and highest energy burden, to people age 60 and over,



those permanently disabled and to families with children under five years of age. Weatherization or weatherproofing is the practice of protecting a building and its interior from the elements, particularly from sunlight and wind, in order to reduce energy consumption and optimize energy efficiency. The program works through a process of pre-inspection, in which needed weatherization measures are identified, improvement installation and then post-inspection of the work, in which a weatherization inspector verifies the work was performed as authorized. Funding is provided by Federal LIHEAP and the Department of Energy.

Riverside County Low Income Energy Assistance Program: Also offered by the Community Action Partnership, this program provides credits for payments to utilities for energy-related expenses (specifically, electricity, gas, wood, oil and propane). Qualification for the program is based on household income, priority points and energy burden. The assistance is offered on a once-per-year basis.

4.6.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the State CEQA Guidelines contains the Environmental Checklist form used during preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (refer to Impact Statement EN-1); and
- Conflict with or obstruct a State or local plan for renewable energy or energy efficiency (refer to Impact Statement EN-2).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

Appendix F of the State CEQA Guidelines is an advisory document that assists EIR preparers in determining whether a project will result in the inefficient, wasteful, and unnecessary consumption of energy. The analysis in Impact Statement EN-1 relies upon Appendix F of the State CEQA Guidelines, which includes the following criteria to determine whether this threshold of significance is met:

- **Criterion 1:** The project’s energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.
- **Criterion 2:** The effects of the project on local and regional energy supplies and on requirements for additional capacity.
- **Criterion 3:** The effects of the project on peak and base period demands for electricity and other forms of energy.



- **Criterion 4:** The degree to which the project complies with existing energy standards.
- **Criterion 5:** The effects of the project on energy resources.
- **Criterion 6:** The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

Quantification of the project's energy usage is presented and addresses Criterion 1. The discussion on construction-related energy use focuses on Criteria 2, 4, and 5. The discussion on operational energy use is divided into transportation energy demand and building energy demand. The transportation energy demand analysis discusses Criteria 2, 4, and 6, and the building energy demand analysis discusses Criteria 2, 3, 4, and 5.

4.6.4 IMPACTS AND MITIGATION MEASURES

ENERGY CONSUMPTION

EN-1 THE PROJECT COULD RESULT IN WASTEFUL, INEFFICIENT, OR UNNECESSARY CONSUMPTION OF ENERGY RESOURCES.

Impact Analysis

Construction

The project proposes land use and policy changes that would facilitate development within the project area. Overall, it is anticipated that project implementation would increase energy demand in the project area. In the short-term, energy consumption associated with future development facilitated by the project includes electricity consumption associated with water usage for dust control, diesel fuel consumption from on-road hauling trips and off-road construction diesel equipment, and gasoline consumption from on-road worker commute and vendor trips. Temporary electric power for lighting and electronic equipment (such as computers inside temporary construction trailers, and heating, ventilation, and air conditioning) may be powered by a generator or connection to local electrical services (once available). The amount of electricity used during future developments' construction would be minimal; typical demand would stem from the use of electrically powered hand tools and construction trailers by managerial staff during the hours of construction activities. Most of the energy used during construction associated with implementing activities would be from petroleum. This analysis relies on the construction and operational characteristics, as stated in [Section 4.3, *Air Quality*](#), and [Section 4.8, *Greenhouse Gas Emissions*](#), as well as [Appendix B, *Air Quality and Greenhouse Gas Data*](#).

There are no project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or State. In addition, some incidental energy conservation would occur during future developments' construction through compliance with State requirements that equipment not in use for more than five minutes be turned off. project construction equipment would also be required to comply with the latest EPA and CARB engine emissions standards. These engines use highly efficient combustion engines to minimize unnecessary fuel consumption. Contractors would be required to minimize construction-related air quality emissions using applicable regulatory guidance from



the South Coast AQMD as required by Mitigation Measure AQ-1, AQ-2, and AQ-3; refer to Section 4.3. This requirement indirectly relates to construction energy conservation because when air pollutant emissions are reduced from the monitoring and the efficient use of equipment and materials, energy use is reduced.

Due to increasing transportation costs and fuel prices, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction. There is growing recognition among developers and retailers that sustainable construction is not prohibitively expensive, and that there is a significant cost-savings potential in green building practices and materials. Substantial reductions in energy inputs for construction materials can be achieved by selecting building materials composed of recycled materials that require substantially less energy to produce than non-recycled materials. The project-related incremental increase in the use of energy bound in construction materials such as asphalt, steel, concrete, pipes, and manufactured or processed materials (e.g., lumber and gas) would not substantially increase demand for energy compared to overall local and regional demand for construction materials. It is reasonable to assume that production of building materials such as concrete, steel, etc., would employ all available and reasonable energy conservation practices in the interest in minimizing the cost of doing business.

As stated above, there are no unusual project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or State. As such, project construction would have a nominal effect on the local and regional energy supplies. Therefore, it is expected that construction fuel consumption associated with the proposed project would not be inefficient, wasteful, or unnecessary. The project would not substantially affect existing energy or fuel supplies, and new capacity would not be required. Impacts would be less than significant in this regard.

Long-Term Operations

The project proposes land use and policy changes that would facilitate future development within the project area. Project implementation would increase demand for electricity and natural gas services provided by SCE and SoCalGas. [Table 4.6-3, *Estimated Project Electricity and Natural Gas Net Consumption*](#), identifies the project's total estimated natural gas and electricity consumption.

Table 4.6-3: Estimated Project Electricity and Natural Gas Net Consumption

	EXISTING GENERAL PLAN DEVELOPMENT POTENTIAL	PROPOSED PROJECT DEVELOPMENT POTENTIAL
Electricity		
Winchester Policy Area	580,000,000 kWh/yr	593,000,000 kWh/yr
Highway 79 Policy Area	260,000,000 kWh/yr	287,000,000 kWh/yr
Total	840,000,000 kWh/yr	880,000,000 kWh/yr
Natural Gas		
Winchester Policy Area	975,000,000 kBTU/yr	1,282,400,000 kBTU/yr
Highway 79 Policy Area	913,000,000 kBTU/yr	992,000,000 kBTU/yr
Total	1,888,000,000 kBTU/yr	2,274,400,000 kBTU/yr
Net Energy Consumption		
Total Net Electricity Consumption		40,000,000 kWh/yr
Total Net Natural Gas Consumption		386,400,000 kBTU/yr



kWh = kilowatt hours; BTU = British Thermal Unit; kBTU = kilo British Thermal Unit

Notes: Energy consumption data obtained from CalEEMod outputs provided in Appendix C.

Electricity

Based on CalEEMod output data included in Appendix C, project implementation would result in an electricity demand of approximately 880,000,000 kWh (880 GWh) per year (a net increase of approximately 40,000,000 kWh [or 40 GWh] per year compared to the existing General Plan development potential); see [Table 4.6-3](#). As a result, the project would result in an increased electricity demand of approximately 0.06 percent compared to the typical electricity demand in Riverside County. The increased electrical demand is expected to be adequately served by the existing SCE electrical facilities in the project area. SCE forecasts that it would have adequate electricity to meet the expected growth in its service area through 2026. Using SCE's anticipated consumption in 2026 in a high-demand consumption scenario, SCE's electricity demand is expected to be between 113,399 and 123,828 Gigawatt hours (CEC, 2016). The project's increased electricity demand would represent a nominal percentage (up to approximately 0.78 percent) of overall demand in SCE's service area.

It is also noted that prior to issuance of a building permit, the Riverside County Planning Department would review and verify that project plans of individual future projects demonstrate compliance with the current version of the Building and Energy Efficiency Standards. Future development facilitated by the project would also be required to adhere to CALGreen provisions, which establish planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. Therefore, the project's electrical demand would not substantially impact SCE's level of service and impacts would be less than significant.

Natural Gas

As indicated in [Table 4.6-1](#), project implementation would result in a natural gas demand of approximately 2.27 billion kBTU per year (a net increase of approximately 386 million kBTU per year compared to the existing General Plan development potential). As a result, the project would result in an increase in natural gas demand of approximately 0.05 percent compared to Riverside County's typical natural gas demand.

The increased natural gas demand associated with the proposed project is expected to be adequately served by the existing SoCalGas facilities. Total natural gas supplies available to SoCalGas are expected to remain stable at 3.9 billion cubic feet of natural gas per day (bcfd), or 1,414,375 billion BTU per year, between 2015 and 2035 (California Gas and Electric Utilities, 2016). Total natural gas consumption in SoCalGas' service area is forecast to be 2.7 bcfd (966,155 billion BTU per year) in 2035. Therefore, the project's natural gas demand would represent a nominal percentage of overall demand in SoCalGas' service area.

Additionally, the 2016 California Gas Report noted that over the forecast period through 2035, the demand per meter is expected to decline at an average annual rate of 0.7 percent for multi-family and single-family residences. The reduction is associated with conservation and the energy savings from more restrictive building and appliance standards and energy efficiency programs and from demand reductions resulting from the Advanced Meter Infrastructure (AMI)



project's deployment in the Southern California area. Gas use per commercial customer is also projected to decline slightly over the forecast horizon due to continuing energy efficiency efforts as well as warmer temperatures.

SoCalGas facilities that currently provide natural gas to the project area can also serve new development within the project area. SoCalGas can provide additional connections (if necessary) for future development projects within the project area. Thus, the project's natural gas demand would not substantially impact SoCalGas's level of service and impacts would be less than significant.

Vehicle Fuel Consumption

Future development facilitated by the project would consume transportation energy during operations from the use of motor vehicles. Fuel that would be consumed by future developments' vehicles would be a function of total vehicle miles traveled (VMT) and estimated fuel economies for a variety of vehicle types. According to the [Appendix E, SB 743 Analysis](#), the project would result in approximately 1,971,743,870 annual VMT (or 5,402,038 daily VMT). Utilizing EMFAC 2017, an aggregated fuel economy for all vehicle types for 2021 (the earliest year used for a conservative analysis for fuel efficiency) are estimated to have a fuel efficiency of 21.57 miles per gallon (mpg). [Table 4.6-4, Annual Project-Generated Traffic Fuel Consumption](#), provides a conservative estimate of the project's annual fuel consumption. As shown in [Table 4.6-4](#), it is estimated that the project's fuel consumption from project-generated trips would total 91,411,399 gallons of fuel. It is noted that the estimates in [Table 4.6-4](#) are conservative because average fuel economies of vehicles accessing the project area would be expected to improve under subsequent future conditions as older, less fuel-efficient vehicles are removed from circulation, and in response to improving fuel economy and emissions standards imposed on newer vehicles by EPA and CARB.

The key contributors to transportation-related fuel consumption are job locations/commuting distance and personal choices on when and where to drive for various purposes.

While Vehicle Miles Travelled (VMT) is anticipated to increase as part of the project, many potential VMT reducing design principles, policies, and improvements may ultimately mitigate and/or potentially reduce the VMT impacts outlined in [Section 4.17](#). Necessary details to assure implementation and appropriately evaluate their effect are not yet available. VMT reducing approaches would require further planning and development as well as committed funding sources including those from participants in the development community (many of which may not be identified yet as large areas of land may be further subdivided into specific projects and developments).

Project design elements that are VMT reducing, as described within the 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, and thus, vehicle fuel consumption. Additionally, 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. Thus, fuel



consumption associated with vehicle trips generated by the project would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region.

Table 4.6-4: Annual Project-Generated Traffic Fuel Consumption

Annual Vehicle Miles Traveled – project Buildout¹	Average Vehicle Fuel Economy²	Estimated Annual Fuel Consumption (gallons)
1,971,743,870	21.57	91,411,399
Notes:		
1. Annual VMT for project buildout calculated using data from the project's <i>Draft SB 743 Analysis</i> , Kimley-Horn and Associates, December 2020.		
2. Fuel economy calculated based on data obtained from EMFAC 2017 database.		

Conclusion

As discussed above, the project is not anticipated to result in a substantial demand for electricity and natural gas that would require expanded supplies or the construction of other infrastructure or expansion of existing facilities. Additionally, the fuel consumption associated with vehicle trips would not be considered inefficient, wasteful, or unnecessary. A less than significant impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

CONFLICT WITH APPLICABLE ENERGY PLAN

EN-2 THE PROJECT COULD CONFLICT WITH OR OBSTRUCT A STATE OR LOCAL PLAN FOR RENEWABLE ENERGY OR ENERGY EFFICIENCY.

Impact Analysis

Future development facilitated by the project would be required to implement energy-saving features and operational programs, consistent with the reduction measures set forth in the County of Riverside General Plan policies (e.g., Policies AQ 4.2., which would require residential building construction to comply with energy use guidelines, AQ 4.4, which would reduce energy consumption through efficient site design, and AQ 20.10 through AQ 20.21 which would reduce energy consumption through the efficient use of utilities and require all feasible use of efficient heating equipment and appliances.)

Development facilitated by the project would also be required to comply with BOS policies (e.g., H-29 and H-4). In addition, future development would be required to comply with the California Green Building Standards Code (CALGreen; CCR, Title 24, Part 11) and Title 24 energy efficiency standards as implemented by the County. Compliance with 2019 Title 24 standards and 2019 CALGreen Code would ensure the project incorporates energy-efficient windows, insulation, lighting, and ventilation systems, which are consistent with the Energy Efficiency Strategic Plan strategies, the IEPR building energy efficiency recommendations.



As discussed in Threshold 4.6-1, project energy demands would be accommodated by existing utility providers and would not result in the inefficient, wasteful, or unnecessary consumption of fuel consumption. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

4.6.5 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable energy impacts would occur as a result of the proposed project.



4.7 GEOLOGY AND SOILS

This section assesses the potential for geology and soils impacts using accepted methods of evaluating geologic and seismic conditions within the project area and the potential for geologic hazards associated with implementation of the proposed project. The analysis in this section is primarily based on information provided by the County as well as the following sources:

Information in this section is based primarily on the following sources:

- County of Riverside General Plan
- County of Riverside Draft Environmental Impact Report No. 521 (Draft EIR No. 521)
- County of Riverside Code
- California Department of Conservation

4.7.1 EXISTING SETTING

REGIONAL GEOLOGIC CONDITIONS

The project area is located within western Riverside County and is within part of the Peninsula Ranges Province. The province is dominated by right-lateral strike-slip faulting associated with the San Jacinto and Elsinore faults. Other major geological features in the area are the Traverse Ranges including the San Bernardino and San Gabriel Mountains and the Mojave Desert to the north, the San Jacinto Mountains and Mojave Desert to the east, and the Pacific Coastal Plain to the west.

The County's bedrock exposures consist predominantly of igneous and metamorphic rock with sedimentary units. Alluvial valleys between the mountain ranges contain sediments with significant variation in thickness.

FAULTS AND SEISMICITY

Most of Southern California is subject to ground shaking (ground motion) as a result of movement along active and potentially active fault zones in the region. The project area is in a region surrounded by seismically active faults (i.e., the San Andreas fault, the San Jacinto fault, and the Elsinore fault); see [Exhibit 4.7-1, *Active Fault Zones*](#). All of these faults run northwest/southeast. The San Andreas fault is over 40 miles to the east of the project area, the San Jacinto fault is approximately 7 miles to the east, and the Elsinore fault zone is approximately 2 miles to the west. As depicted in [Exhibit 4.7-1](#), none of the identified faults traverse the project area. A major earthquake associated with any of these faults could result in moderate to severe ground shaking within the project area.



LIQUEFACTION

Liquefaction is a phenomenon in which the strength and stiffness of a soil is reduced by earthquake shaking or other rapid loading. Liquefaction and related phenomena have been responsible for substantial structural damage in historical earthquakes and are a design concern under certain conditions. Liquefaction occurs in saturated soils that are soils in which the space between individual particles is completely filled with water. This pore water exerts a pressure on the soil particles that influence how tightly the particles themselves are pressed together.

Prior to an earthquake, pore water is typically low; however, earthquake motion can cause the pore water pressure to increase to the point where the soil particles can readily move with respect to each other. When liquefaction occurs; the strength in soil decreases and the ability of a soil deposit to support structural loads are reduced. Exhibit 4.7-2, *Liquefaction Potential*, depicts liquefaction susceptibility and identifies the project area as having very low to very high liquefaction susceptibility.

SUBSIDENCE

Ground subsidence is the lowering of the ground surface over a wide area, most often due to withdrawal of groundwater or oil, and may be triggered by seismic events. Exhibit 4.7-3, *Subsidence Areas* depicts land subsidence areas and identifies the project area as having low potential for subsidence.

LANDSLIDES

It is estimated that a ground acceleration of a least 0.10 g in steep terrain is necessary to induce earthquake-related rockfall (County of Riverside, 2015). Because there are several faults capable of generating peak ground accelerations of over 0.10 g in Riverside County and steep terrain exists in and around the project area, there is a high potential for seismically induced rockfall and landslides to occur within the project area. Exhibit 4.7-4, *Landslide Potential* depicts project areas with landslide potential.

EXPANSIVE SOILS

Soils that expand and contract in volume (“shrink-swell” pattern) are considered to be expansive and may cause damage to aboveground infrastructure as a result of density changes that shift overlying materials. Fine-grain clay sediments are most likely to exhibit shrink-swell patterns in response to changing moisture levels.

SOIL EROSION

Erosion refers to the removal of soil from exposed bedrock surfaces by water or wind. The effects of erosion are intensified with an increase in slope (as water moves faster, it gains momentum to carry more debris), the narrowing of runoff channels (which increases the velocity of water), and by the removal of groundcover (which leaves the soil exposed to erosive forces). Surface improvements, such as paved roads and buildings, decrease the potential for erosion onsite, but can increase the rate and volume of runoff, potentially causing offsite erosion.



PALEONTOLOGICAL RESOURCES

The General Plan indicates that the western portion of Riverside County where the project area is located contains fossils that occur in sediments lying on the surface of crystalline bedrock or are deposited in or between the major fault zones. The project area's specific underlying geology is not known at this level of programmatic analysis; however, the General Plan notes that paleontological resources are known to be present within the County's unincorporated areas (General Plan Figure 4.9-3, *Paleontological Sensitivity*).

4.7.2 REGULATORY SETTING

FEDERAL LEVEL

International Building Code

The International Building Code (IBC) is the national model building code providing standardized requirements for construction. The IBC replaced earlier regional building codes (including the Uniform Building Code) in 2000 and established consistent construction guidelines for the nation. In 2006, the IBC was incorporated into the 2007 California Building Code (also known as the "California Building Standards Code" or CBC), and currently applies to all structures being constructed in California. The 2019 IBC is the most recent addition. The national model codes are therefore incorporated into the building codes of local municipalities, such as the CBC discussed below. The CBC includes building design and construction criteria that take into consideration the State's seismic conditions.

Earthquake Hazards Reduction Act

The Earthquake Hazards Reduction Act of 1977 established the National Earthquake Hazards Reduction Program (NEHRP). Under the NEHRP, four Federal agencies have responsibility for long-term earthquake risk reduction: the U.S. Geological Survey (USGS), the National Science Foundation (NSF), the Federal Emergency Management Agency (FEMA), and the National Institute of Standards and Technology (NIST). NEHRP's mission includes improved understanding, characterization, and prediction of hazards and vulnerability; improvements of building codes and land use practices; risk reduction through post-earthquake investigation and education; development and improvement of design and construction techniques; improvement of mitigation capacity; and accelerated application of research results.

Disaster Mitigation Act (2000)

The Federal Disaster Mitigation Act (DMA; Public Law 106-390) provides the legal basis for FEMA mitigation planning requirements for State, local, and Indian Tribal governments as a condition of mitigation grant assistance. DMA 2000 amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act by repealing the previous mitigation planning provisions and replacing them with a new set of requirements that emphasize the need for State, local, and Indian Tribal entities to closely coordinate mitigation planning and implementation efforts. The requirement for a State mitigation plan is continued as a condition of disaster assistance, adding incentives for increased coordination and integration of mitigation activities at the State level



through the establishment of requirements for two different levels of State plans. DMA 2000 also established a new requirement for local mitigation plans and authorized up to seven percent of Hazard Mitigation Grand Program funds available to a State for development of State, local, and Indian Tribal mitigation plans.

Paleontological Resources Preservation Act

The Federal Paleontological Resources Preservation Act of 2002 (PRPA) was specifically intended to codify the generally accepted practice of limiting collection on public (Federal) land of vertebrate fossils and other rare and scientifically significant fossils to qualified researchers who obtain a permit from the appropriate State or Federal agency and agree to donate any materials recovered to recognized public institutions where they will remain accessible to the public and to other researchers.

U.S. Geological Survey Landslide Hazard Program

The USGS Landslide Hazard Program provides information on landslide hazards including information on current landslides, landslide reporting, real time monitoring of landslide areas, mapping of landslides through the National Landslide Hazards Map, local landslide information, landslide education, and research.

STATE LEVEL

The Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (A-P Act) was passed in 1972 to regulate development and construction of buildings intended for human occupancy to avoid the hazard of surface fault rupture along known active faults. Under the A-P Act, the California State Geologist identifies areas that are at risk of surface fault rupture. The A-P Act's primary purpose is to reduce the threat to life and property, specifically from surface fault rupture, by preventing the construction of buildings used for human occupancy on the surface trace of active faults. An active fault is defined by the State Mining and Geology Board as one which has "had surface displacement within Holocene time (about the last 11,000 years)." This definition does not mean that faults that lack evidence of surface displacement within Holocene times are necessarily inactive. A fault may be presumed to be inactive based on satisfactory geologic evidence; however, the evidence necessary to prove inactivity is sometimes difficult to obtain and locally may not exist.

The State of California Geological Survey (CGS), previously known as the California Division of Mines and Geology, prepared Special Publication 42 – Fault Rupture Hazard Zones (CGS, 2007) that delineates and defines active fault traces and zones that require specific studies to address rupture hazards with respect to "structure[s] for human occupancy." Any project that involves the construction of buildings or structures for human occupancy is subject to the A-P Act, and



any structures for human occupancy must be located at least 50 feet from any active fault. The project area is not affected by an A-P Earthquake Fault Zone.¹

Seismic Hazards Mapping Act

The purpose of the Seismic Hazards Mapping Act is to reduce the threat to public health and safety and minimize the loss of life and property by identifying and mitigating seismic hazards, such as those associated with strong ground shaking, liquefaction, landslides, other ground failures, or other hazards caused by earthquakes. In accordance with Public Resources Code, Chapter 7.8, Division 2, the CGS is directed to delineate “Zones of Required Investigation” (ZORI) through the Seismic Hazards Program. Cities, counties, and State agencies are directed to use CGS seismic hazard zone maps in their land use planning and permitting processes so that these hazards are identified and mitigated for development projects prior to the next major earthquake. Cities and counties affected by the zones must regulate certain development projects within them. Zones of required investigation for possible earthquake faulting, liquefaction, landslides, and tsunamis are delineated to help identify where higher building standards may be necessary for safe development. The Seismic Hazards Mapping Act requires that site-specific geotechnical investigations be conducted within the ZORI to identify and evaluate seismic hazards and formulate mitigation measures prior to permitting most developments designed for human occupancy. Zones of required investigation for possible liquefaction and landslides traverse the project area.²

California Building Code

The California Building Code (also known as the “California Building Standards Code” or CBC) is promulgated under the *California Code of Regulations* (CCR), Title 24 (Parts 1 through 12) and is administered by the California Building Standards Commission. Local agencies must ensure the development complies with the guidelines contained beyond the CBC. Cities and counties have the ability to adopt additional building standards beyond the CBC. CBC Part 2 is based upon the 2012 International Building Code with necessary California amendments, and Part 11, named the California Green Building Standards Code, and is also called the CalGreen Code. The CBC is updated every three years: the most recent version was adopted in 2019 by the California Building Standards Commission and took effect January 1, 2020.

Public Resources Code § 5097.5

Requirements for paleontological resource management are included in Public Resources Code (PRC) Division 5, Chapter 1.7, § 5097.5, and Division 20, Chapter 3, § 30244, which state:

“No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made

1 California Department of Conservation, *Earthquake Zones of Required Investigation*, <https://maps.conservation.ca.gov/cgs/EQZApp/>, accessed October 27, 2021.

2 California Department of Conservation, *Geologic Hazard Maps: Alquist-Priolo Fault Zones*, <https://maps.conservation.ca.gov/geologichazards/>, accessed October 27, 2021.



by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.”

These statutes prohibit the removal, without permission, of any paleontological site or feature from lands under the jurisdiction of the State or any city, county, district, authority, or public corporation, or any agency thereof. Consequently, local agencies are required to comply with PRC § 5097.5 for their own activities, including construction and maintenance, as well as for permit actions (e.g., encroachment permits) undertaken by others. Public Resources Code § 5097.5 also establishes the removal of paleontological resources as a misdemeanor and requires reasonable mitigation of adverse impacts to paleontological resources from developments on public (State, county, city, and district) lands.

LOCAL LEVEL

County of Riverside General Plan

Safety Element

The following policies contained in the County of Riverside General Plan Safety Element are applicable to the project in regard to geology and soils:

- S 2.1 Minimize fault rupture hazards through enforcement of Alquist-Priolo Earthquake Fault Zoning Act provisions and the following policies:
- a) Require geologic studies or analyses for critical structures, and lifeline, high-occupancy, schools, and high-risk structures, within 0.5 miles of all Quaternary to historic faults shown on the Earthquake Fault Studies Zones map.
 - b) Require geologic trenching studies within all designated Earthquake Fault Studies Zones, unless adequate evidence, as determined and accepted by the County Engineering Geologist, is presented. The County may require geologic trenching of non-zoned faults for especially critical or vulnerable structures or lifelines.
 - c) Require that lifelines be designed to resist, without failure, their crossing of a fault, should fault rupture occur.
 - d) Support efforts by the California Department of Conservation, California Geological Survey to develop geologic and engineering solutions in areas of ground deformation due to faulting and seismic activity in those areas where a through-going fault cannot be reliably located.
 - e) Encourage and support efforts by the geologic research community to better define the locations and risks of county faults. Such efforts could include data sharing and database development with regional entities, other local



governments, private organizations, utility agencies or companies, and local universities.

- S 2.2 Require geological and geotechnical investigations in areas with potential for earthquake-induced liquefaction, landsliding or settlement process, for any building proposed for human occupancy and any structure whose damage would cause harm, except for accessory buildings.
- S 2.3 Require that a State-licensed professional investigate the potential for liquefaction in areas designated as underlain by “Susceptible Sediments” and “Shallow Ground Water” for all general construction projects, except for accessory buildings (General Plan Figure S-3).
- S 2.4: Require that a State-licensed professional investigate the potential for liquefaction in areas identified as underlain by “Susceptible Sediments” for all proposed critical facilities (General Plan Figure S-3).
- S 2.5 Require that engineered slopes be designed to resist seismically induced failure. For lower-risk projects, slope design could be based on pseudo-static stability analyses using soil engineering parameters that are established on a site-specific basis. For higher-risk projects, the stability analyses should factor in the intensity of expected groundshaking, using a Newmark-type deformation analysis.
- S 2.6 Require that cut and fill transition lots be over-excavated to mitigate the potential of seismically induced differential settlement.
- S 2.7 Require a 100% maximum variation of fill depths beneath structures to mitigate the potential of seismically induced differential settlement.
- S 3.1 Require the following in landslide potential hazard management zones, or when deemed necessary by the California Environmental Quality Act: a. Preliminary geotechnical and geologic investigations. b. Evaluations of site stability, including any possible impact on adjacent properties, before final project design is approved. c. Consultant reports, investigations, and design recommendations required for grading permits, building permits, and subdivision applications be prepared by State-licensed professionals.
- S 3.2 Require that stabilized landslides be provided with redundant drainage systems. Provisions for the maintenance of subdrains must be designed into the system.
- S 3.3 Before issuance of building permits, require certification regarding the stability of the site against adverse effects of rain, earthquakes, and subsidence.
- S 3.4 Require adequate mitigation of potential impacts from erosion, slope instability, or other hazardous slope conditions, or from loss of aesthetic resources for development occurring on slope and hillside areas.



- S 3.5 During permit review, identify and encourage mitigation of onsite and offsite slope instability, debris flow, and erosion hazards on lots undergoing substantial improvements.
- S 3.6 Require grading plans, environmental assessments, engineering and geologic technical reports, irrigation and landscaping plans, including ecological restoration and revegetation plans, as appropriate, in order to assure the adequate demonstration of a project's ability to mitigate the potential impacts of slope and erosion hazards and loss of native vegetation.
- S 3.7 Support mitigation on existing public and private property located on unstable hillside areas, especially slopes with recurring failures where county property or public right-of-way is threatened from slope instability, or where considered appropriate and urgent by the County Engineer, Fire, or Sheriff Department.
- S 3.8 Require geotechnical studies within documented subsidence zones, as well as zones that may be susceptible to subsidence, as identified in [General Plan] Figure S-7 and the Technical Background Report [i.e., General Plan Appendix H], prior to the issuance of development permits. Within the documented subsidence zones of the Coachella, San Jacinto and Elsinore valleys, the studies must address the potential for reactivation of these zones, consider the potential impact on the project, and provide adequate and acceptable mitigation measures.
- S 7.7 Strengthen the project permit and review process to ensure that proper actions are taken to reduce hazard impacts and to encourage structural and nonstructural design and construction. Damage must be minimized for critical facilities, and susceptibility to structural collapse must be minimized, if not eliminated.
- a) Ensure that special development standards, designs, and construction practices reduce risk to tolerable levels for projects involving critical facilities, large-scale residential development, and major commercial and industrial development through conditional use permits and the subdivision review process. If appropriate, impact fees should be assessed to finance required actions.
 - b) Require mitigation measures to reduce potential damage caused by ground failure for sites determined to have potential for liquefaction. Such measures shall apply to critical facilities, utilities, and large commercial and industrial projects as a condition of project approval.
 - c) Require that planned lifeline utilities, as a condition of project approval, be designed, located, structurally upgraded, fit with safety shutoff valves, be designed for easy maintenance, and have redundant back up lines where unstable slopes, earth cracks, active faults, or areas of liquefaction cannot be avoided.
 - d) Review proposed uses of fault setback areas closely to ensure that county infrastructure (roads, utilities, drains) are not unduly placed at risk by the



developer. Insurance, bonding, or compensation plans should be used to compensate the County for the potential costs of repair.

S 7.11 Coordinate with the [California] Public Utilities Commission (PUC) and/or utilize the Capital Improvement Program, to strengthen, relocate or take other appropriate measures to safeguard high-voltage lines, water, sewer, natural gas and petroleum pipelines, and trunk electrical and telephone conduits that:

- a) Extend through areas of high liquefaction potential.
- b) Cross active faults.
- c) Traverse earth cracks or landslides.

S 7.13 Develop a system to respond to short-term increase in hazard on the southern San Andreas fault based on probabilities associated with foreshocks.

Land Use Element

The following policies contained in the County of Riverside General Plan Land Use Element are applicable to the project in regard to geology and soils:

LU 12.1 Apply the following policies to areas where development is allowed and that contain natural slopes, canyons, or other significant elevation changes, regardless of land use designation:

- a) Require that hillside development minimize alteration of the natural landforms and natural vegetation. b. Allow development clustering to retain slopes in natural open space whenever possible.
- b) Require that areas with slope be developed in a manner to minimize the hazards from erosion and slope failures.
- c) Restrict development on visually significant ridgelines, canyon edges and hilltops through sensitive siting and appropriate landscaping to ensure development is visually unobtrusive.
- d) Require hillside adaptive construction techniques, such as post and beam construction, and special foundations for development when the need is identified in a soils and geology report which has been accepted by the County.
- e) In areas at risk of flooding, limit grading, cut and fill to the amount necessary to provide stable areas for structural foundations, street rights-of-way, parking facilities, and other intended uses.



Multipurpose Open Space Element

The following policies contained in the County of Riverside General Plan Multipurpose Open Space Element are applicable to the project in regard to geology and soils:

- OS 19.6 Whenever existing information indicates that a site proposed for development has high paleontological sensitivity as shown on Figure OS-8, a paleontological resource impact mitigation program (PRIMP) shall be filed with the County Geologist prior to site grading. The PRIMP shall specify the steps to be taken to mitigate impacts to paleontological resources.
- OS 19.7 Whenever existing information indicates that a site proposed for development has low paleontological sensitivity, no direct mitigation is required unless a fossil is encountered during site development. Should a fossil be encountered, the County Geologist shall be notified, and a paleontologist shall be retained by the project proponent. The paleontologist shall document the extent and potential significance of the paleontological resources on the site and establish appropriate mitigation measures for further site development.
- OS 19.8 Whenever existing information indicates that a site proposed for development has undetermined paleontological sensitivity, a report shall be filed with the County Geologist documenting the extent and potential significance of the paleontological resources onsite and identifying mitigation measures for the fossil and for impacts to significant paleontological resources prior to approval of that department.
- OS 19.9 Whenever paleontological resources are found, the County Geologist shall direct them to a facility within Riverside County for their curation, including the Western Science Center in the City of Hemet.

Harvest Valley/Winchester Area Plan

The following policies contained in the Harvest Valley/Winchester Area Plan are applicable to the project in regard to geology and soils:

- HVWAP 22.1 Protect life and property from seismic related events through adherence to the Seismic Hazards section of the General Plan Safety 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.

Riverside County Ordinances

The following Riverside County Ordinances contain regulations and policies that are intended to reduce impacts concerning geology and soils:

Ordinance No. 457, *Riverside County Building and Fire Codes*: Every three years, Riverside County's Building and Fire Codes are adapted from the CBC (CCR Title 24), which includes both building and fire codes. These codes establish site-specific investigation requirements,



construction standards and inspection procedures to ensure that development authorized by the County of Riverside (County) does not pose a threat to the health, safety or welfare of the public. The CBC contains minimum baseline standards to guard against unsafe development. This ordinance also adopts, in some cases with modification to a stricter standard, a number of California's Title 24 codes (fire, building, plumbing, electrical, etc.). The Riverside County Department of Building and Safety provides technical expertise in reviewing and enforcing these codes.

Ordinance No. 547, *Implementation of the Alquist-Priolo Earthquake Fault Zoning Act*: This ordinance establishes the policies and procedures used by Riverside County to implement the A-P Act. Among other things, it requires all projects proposed within an "earthquake fault zone," as shown on the maps prepared by the State Geologist to comply with the A-P Act provisions. It establishes regulations for construction, including for grading, slopes and compaction, erosion control, retaining wall design and earthquake fault zone setbacks.

Ordinance No. 484, *Control of Blowing Dust*: This ordinance establishes requirements for the control of blowing sand within county-designated "Agricultural Dust Control Areas." It defines activities that may contribute to wind erosion, identifies restrictions on activities within these areas, establishes penalties for violation of the ordinance, and identifies procedures necessary to obtain a valid permit.

Chapter 15.60, *Earthquake Fault Area Construction Regulations*: Riverside County Ordinances Chapter 15.60 codifies the A-P Act (Public Resources Code, § 2621, et seq.) requirements and the State Mining and Geology Board adopted policies and criteria. Specifically, RCC § 15.60.030 requires that applications for a permit for a project that lies within an earthquake fault zone shown on the maps prepared by the State Geologist pursuant to the A-P Act be accompanied by a geologic report or request for waiver thereof.

County Ordinance No. 650, *Sewer Discharge in Unincorporated Territory of the County*: Ordinance No. 650 establishes a variety of regulations regarding on-site wastewater treatment systems, including that the type of sewage facilities installed be determined on the basis of location, soil porosity, site slope, and groundwater level, and designed to receive all sanitary sewage from the property based on the higher volume estimation as determined by either the number of bedrooms or plumbing fixture unit counts.

County of Riverside Municipal Code

Chapter 16.52 – Soil Erosion

The requirements of Chapter 16.52 – Soil Erosion apply to future development in areas with soils that are susceptible to wind erosion. If soils on future developments are determined to be susceptible to wind erosion as defined in the Chapter then projects are required to implement best management practices (BMPs) such as solid masonry walls, vegetation windbreaks, stabilizing ground cover and/or materials, landscape irrigation systems and the establishment of a homeowner's association or improvement district to maintain erosion control.



4.7.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the State CEQA Guidelines contains the Environmental Checklist form used during preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (refer to Impact Statement GEO-1)
 - ii) Strong seismic ground shaking (refer to Impact Statement GEO-1)
 - iii) Seismic-related ground failure, including liquefaction (refer to Impact Statement GEO-1)
 - iv) Landslides (refer to Impact Statement GEO-1)
- Result in substantial soil erosion or the loss of topsoil (refer to Impact Statement GEO-2)
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse (refer to Impact Statement GEO-3)
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property (refer to Impact Statement GEO-4)
- Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water (refer to Impact Statement GEO-5);
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (refer to Impact Statement GEO-6);

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.



4.7.4 IMPACTS AND MITIGATION MEASURES

RUPTURE OF A KNOWN EARTHQUAKE FAULT

GEO-1 PROJECT IMPLEMENTATION COULD CAUSE POTENTIAL SUBSTANTIAL ADVERSE EFFECTS INVOLVING RUPTURE OF A KNOWN EARTHQUAKE FAULT; STRONG SEISMIC GROUND SHAKING; SEISMIC-RELATED GROUND FAILURE, INCLUDING LIQUEFACTION; OR LANDSLIDES.

Impact Analysis

Earthquake Fault Rupture

The project area is not affected by an A-P Earthquake Fault Zones. The active faults closest to the project area are San Jacinto fault and the Elsinore fault, which are located 7 miles east and 2 miles west respectively. Therefore, future development within the project would not be subject to rupture of a known earthquake fault, as delineated on the most recent A-P Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. No impact would occur.

Strong Seismic Ground Shaking

The project area lies within a region of active faulting and seismicity in Southern California. Potential regional sources for major ground-shaking hazards include the San Andreas, San Jacinto, and Elsinore fault zones. A major earthquake associated with any of these faults could result in moderate to severe ground shaking in the project area. It is likely that the project area would be subject to at least a moderate or severe earthquake. The County enforces regulations to reduce seismic hazards when they have the potential to occur based on site-specific geologic conditions. The applicable regulatory measures for future development projects would be determined during the County's development review process and included in a project's conditions of approval. Following compliance with the established regulatory framework described above, the project would result in a less than significant impact concerning seismic-related seismic ground shaking.

Liquefaction

As discussed in [Section 4.7.2](#), the project area is identified as a ZORI for liquefaction. Additionally, the project area is identified as having very low to very high susceptibility to liquefaction, as depicted on [Exhibit 4.7-2](#). Therefore, future development within the project area would be subject to seismic-related ground failure, including liquefaction. Future development would be subject to General Plan Policies S.2.6 and S.2.7, which would minimize damage to structures. Future, projects would also be subject to RCC Chapter 15.60.050, *Geologic Report* in requiring preparation of a Geologic Report that would evaluate soils, differential settlement, compaction capability and expansiveness and prescribe soil compaction and remediation specifications in order to minimize potential hazards to future development as a result of liquefaction. Following compliance with the established regulatory framework, the project would result in a less than significant impact concerning liquefaction.



Landslides

As discussed in [Section 4.7.2](#), the project area is identified as a ZORI for landslides. Additionally, the project area is identified as having very low to very high susceptibility to liquefaction, as depicted on [Exhibit 4.7-2](#). Therefore, future development within the project area would be subject to seismic-related ground failure, including landslides. Future development would be subject to General Plan Policies S 3.1 (Requirements for landslide hazard zones) and S 3.2 (Drainage system requirements for stabilized landslides) which would minimize foundation damage to structures. Future, projects would also be subject to RCC Chapter 15.60.050, *Geologic Report*, in requiring preparation of a Geologic Report that would evaluate hillside slopes and soil content to minimize potential hazards to future development as a result of landslides. Following compliance with the established regulatory framework, the project would result in a less than significant impact concerning landslides.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

SOIL EROSION

GEO-2 PROJECT IMPLEMENTATION COULD RESULT IN SOIL EROSION OR THE LOSS OF TOPSOIL.

Impact Analysis

Construction Impacts

Future development implemented under the proposed project has the potential to result in substantial soil erosion or the loss of topsoil. Construction activities associated with future development within the project area would involve vegetation removal, grading, and excavation activities that could expose barren soils to sources of wind or water, resulting in erosion and sedimentation on and off a development site. Such impacts would be considered potentially significant unless mitigated. Potential air quality impacts concerning soil erosion are discussed further in [Section 4.3, *Air Quality*](#) and potential impacts concerning sedimentation are discussed further in [Section 4.10, *Hydrology and Water Quality*](#).

National Pollutant Discharge Elimination System (NPDES) Phase II storm water permitting programs regulate storm water quality from construction sites, including potential effects associated with erosion and sedimentation. Where future development projects would disturb one or more acres of soil, or where a project would disturb less than one acre but would be part of larger development plan that totals one or more acres, the NPDES permitting process requires coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity. Prior to construction-related grading, an applicant would be required to file a Notice of Intent to comply with the General NPDES Permit issued to the Regional Water Quality Control Board and prepare a Stormwater Pollution Prevention Program (SWPPP), which addresses the measures that would be included to minimize and control construction and post-construction runoff to the “maximum extent practicable.” The SWPPP would include erosion-control and sediment-control Best Management Practices (BMPs) to be implemented throughout the



construction process, which would prevent or reduce erosion. Erosion-control BMPs are designed to prevent erosion, whereas sediment controls are designed to trap sediment once it has been mobilized. In addition, future development would be subject to compliance with RCC Chapter 16.52, *Soil Erosion*, which requires future development to implement certain BMPs if it is located on soils subject to wind erosion.

Future development projects in the project area would be required to submit grading plans, which would be accompanied by a geotechnical investigation and drainage calculations, to obtain the required grading permits. To reduce potentially significant impacts associated with soil erosion, future development would be required to comply with the NPDES Permit regulations, which require development and implementation of a SWPPP and monitoring plan, which must include erosion-control and sediment-control BMPs that would meet or exceed Construction General Permit measures to control potential construction-related pollutants. Following compliance with the applicable Federal, State and local regulations, the project would not result in substantial soil erosion and a less than significant impact would occur in this regard.

Operational Impacts

Future development could be subject to erosion or loss of topsoil as a result of water and/or wind conditions. As discussed in [Section 4.10, *Hydrology and Water Quality*](#), future development would be required to prepare a project-specific drainage analysis and a Water Quality Management Plan (WQMP) to satisfy local, State, and Federal water quality requirements. The drainage and water quality analyses would provide recommendations to reduce potential impacts, which may include post-development best management practices (BMPs) including site design/low impact development (LID), source control, treatment control (where feasible and applicable), and hydromodification measures as applicable. Upon adherence to the requirements of the National Pollutant Discharge Elimination System (NPDES), MS4 General Permit and RCC Chapter 13.12, *Stormwater Drainage System Protection Regulations*, project operational impacts related to erosion or loss of topsoil would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

UNSTABLE SOILS

GEO-3 PROJECT IMPLEMENTATION LOCATED ON AN UNSTABLE OR POTENTIALLY UNSTABLE GEOLOGIC UNIT OR SOIL.

Impact Analysis

Refer to Impact Statement GEO-1 for a discussion concerning landslide and liquefaction.

Lateral Spreading

Lateral spreading could occur on unstable geological units or soils within future development sites. Future development would be subject to General Plan Policies S 2.2 through S.2.7, S 3.5, S.3.8 and would also be subject to RCC Chapter 15.60.050, *Geologic Report*, in requiring preparation of a Geologic Report that would evaluate soil composition and strength and prescribe



measures (i.e., reinforcing steel in foundations, drainage control devices, over-excavation and remediation of soils) in order to minimize potential hazards to future development as a result of lateral spreading. Following compliance with the established regulatory framework described above, the project would result in a less than significant impact concerning lateral spreading.

Subsidence

Ground subsidence can disrupt surface drainage, reduce aquifer system storage, form earth fissures, and damage wells, buildings, roads, and utility infrastructure. Regional subsidence generally damages structures that are sensitive to slight changes in elevations, such as canals, sewers, and drainages. Future development would be subject to General Plan Policies S 2.2 through S.2.7, S 3.5, S.3.8 and would also be subject to RCC Chapter 15.60.050, *Geologic Report*, in requiring preparation of a Geologic Report that would evaluate soil composition and strength and prescribe measures (i.e., over-excavation, remediation of soils and compaction) in order to minimize potential hazards to future development as a result of subsidence. Following compliance with the established regulatory framework described above, the project would result in a less than significant impact concerning lateral spreading.

Collapse

Collapse occurs following the wetting and loading of unsaturated materials (unconsolidated sediments), but soils with higher moisture content such as quick clays may undergo collapse as well. Future development would be subject to General Plan Policies S 2.2 through 2.7, S 3.8 and would also be subject to RCC Chapter 15.60.050, *Geologic Report*, in requiring preparation of a Geologic Report that would evaluate soil composition and strength and prescribe measures (i.e., over-excavation, infill of non-collapsible soils, drainage control devices and compaction) in order to minimize potential hazards to future development as a result of collapsible soils. Following compliance with the established regulatory framework described above, the project would result in a less than significant impact concerning collapsible soils.

Mitigation Measures: No mitigation measures are required

Level of Significance: Less Than Significant Impact.

EXPANSIVE SOIL

GEO-4 PROJECT IMPLEMENTATION LOCATED ON EXPANSIVE SOIL, AS DEFINED IN TABLE 18-1-B OF THE UNIFORM BUILDING CODE (1994), CREATING SUBSTANTIAL DIRECT OR INDIRECT RISKS TO LIFE OR PROPERTY.

Impact Analysis

Soils that expand and contract in volume (“shrink-swell” pattern) are considered to be expansive and may cause damage to aboveground infrastructure and development as a result of density changes that shift overlying materials. Impacts associated with expansive soils are generally structurally related, including cracked walls and foundations. Future development would be subject to General Plan Policies S 2.6, S.2.7 and S.3.8 which would minimize damage as a result of expansive soils. Future, projects would also be subject to RCC Chapter 15.60.050, *Geologic*



Report in requiring preparation of a Geologic Report to evaluate soil composition and strength, position and adequacy of load-bearing soils, the effect of moisture variation on load-bearing capacity, compressibility, differential settlement, and expansiveness. Following compliance with the established regulatory framework described above, the project would result in a less than significant impact concerning expansive soils.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

DISPOSAL SYSTEMS

GEO-5 PROJECT IMPLEMENTATION HAVE SOILS INCAPABLE OF ADEQUATELY SUPPORTING THE USE OF SEPTIC TANKS OR ALTERNATIVE WASTE WATER DISPOSAL SYSTEMS WHERE SEWERS ARE NOT AVAILABLE FOR THE DISPOSAL OF WASTE WATER?

Impact Analysis

The project would accommodate future development that could be sited on soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems. Those areas outside of existing sewer service providers would increase the potential for placement of structures and facilities in areas where soils are incapable of adequately supporting septic tanks, on-site wastewater treatment systems (OWTS), or alternative systems. The need for specific facilities/capacity is determined during the development review process, which considers project-specific features such as soil types, number of units, etc. The County regulates the construction of septic tanks in new development to require both adequate capacity for wastewater treatment and the protection of water quality. County Ordinance No. 650, *Sewer Discharge in Unincorporated Territory of the County*, establishes a variety of regulations regarding OWTS, including that the type of sewage facilities installed be determined on the basis of location, soil porosity, site slope, and groundwater level, and designed to receive all sanitary sewage from the property based on the higher volume estimation as determined by either the number of bedrooms or plumbing fixture unit counts. The minimum lot size required for each permanent structure with plumbing fixtures utilizing an OWTS to handle its wastewater is 0.50-acre, and construction of all new septic facilities requires approval from the County of Riverside Health Officer (Riverside County Ordinances Section 8.124.030 and Ordinance No. 650). Approval requires detailed review and on-site inspections including a scaled, contoured plot plan, a soils feasibility report that adequately evaluates soil percolation, a special feasibility boring report (for groundwater and/or bedrock), and an engineered topographical map. Additionally, the U.S. Environmental Protection Agency (EPA) has standards governing the placement of septic systems in proximity to water supply wells. Consistent with EPA standards, the County prohibits the placement of conventional septic tanks/subsurface disposal systems in any designated Zone A3 of an EPA wellhead protection area. Compliance with these regulations and programs is required through conditions of approval issued by Riverside County for implementing projects and would require that any OWTS is installed consistent with all applicable County requirements on soils capable of supporting the system.



Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

PALEONTOLOGICAL RESOURCES OR GEOLOGIC FEATURES

GEO-6 PROJECT IMPLEMENTATION COULD DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGIC FEATURE.

Impact Analysis

The specific underlying geology is not known at this level of programmatic analysis. However, the General Plan notes that paleontological resources are known to be present within the County's unincorporated areas and that there is a likelihood that earthwork activities associated with future development would encounter paleontological resources. Direct impacts to paleontological resources could occur when earthwork activities (e.g., grading) cut into sensitive paleontological areas, thereby directly damaging the resources, or exposing paleontological resources to potential indirect impacts (e.g., surficial erosion, uncontrolled specimen collection). Any deep excavations by future developments would require monitoring conditions to identify and establish a plan to quickly and professionally recover any fossil remains if discovered. Also, sediment samples should be collected and processed to determine the small fossil potential in the development area. Any fossils collected should be placed in an accredited scientific institution for the benefit of current and future generations. Therefore, future development in areas of high paleontological sensitivity would be subject to General Plan Policies OS 19.6 in requiring preparation of a paleontological resource impact mitigation program (PRIMP), adhere to standard protocol if fossils are encountered (OS. 19.7), prepare a paleontological report if information indicates that the subject site has undetermined paleontological sensitivity (OS.19.8), and for curation protocol if paleontological resources are found (OS. 19.9). Following compliance with the established regulatory framework described above, the project would result in a less than significant impact concerning paleontological resources.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

4.7.5 SIGNIFICANT UNAVOIDABLE IMPACTS

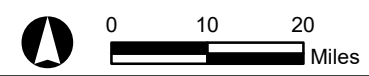
No significant unavoidable geology and soils impacts would occur as a result of the project.



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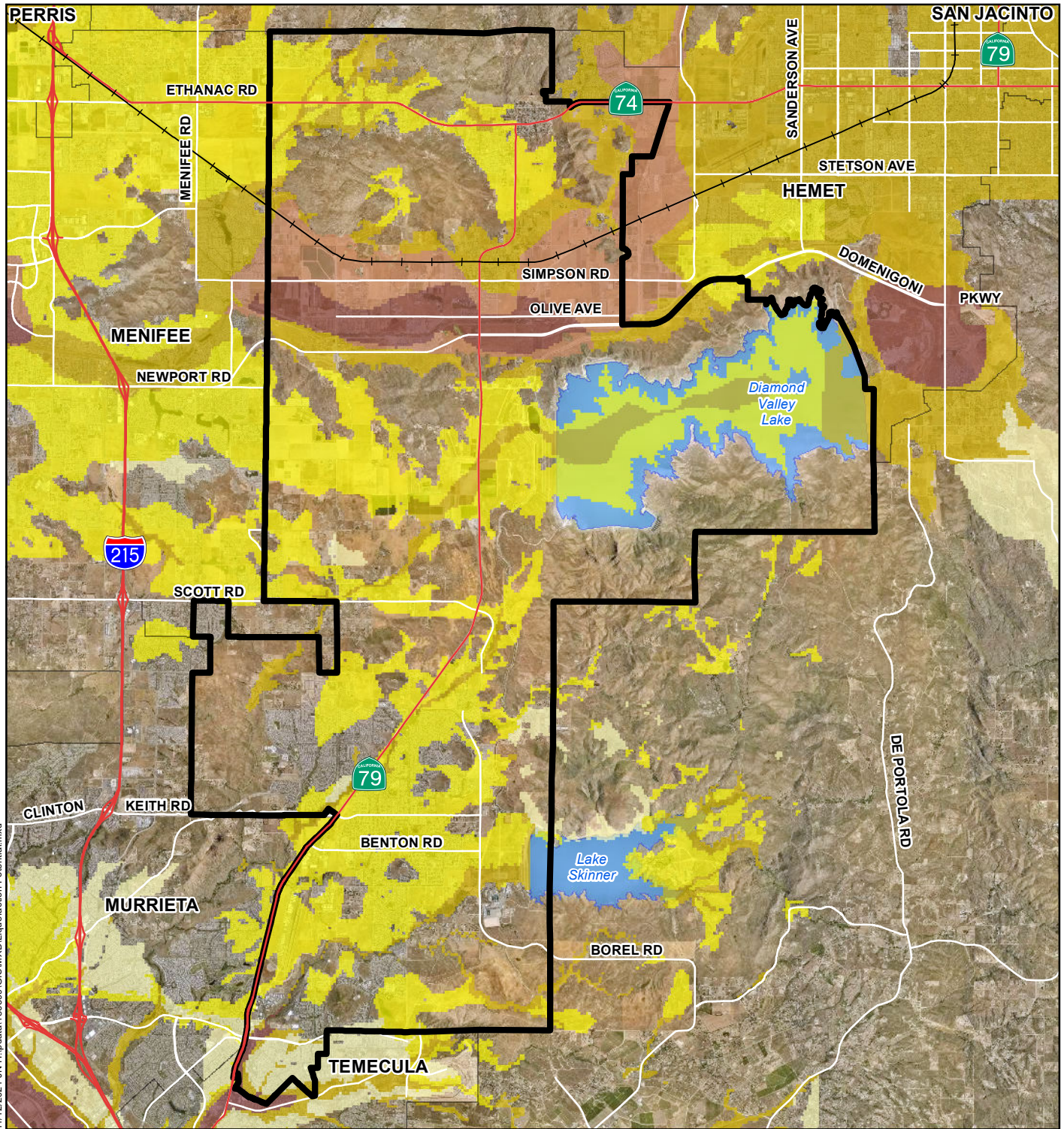
Legend

- Winchester Community Plan Area
- Fault Zones
- County Boundary
- Waterbodies



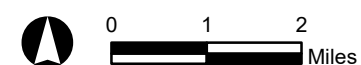
Source: County of Riverside, ESRI

WINCHESTER COMMUNITY PLAN
 ENVIRONMENTAL IMPACT REPORT
Active Fault Zones



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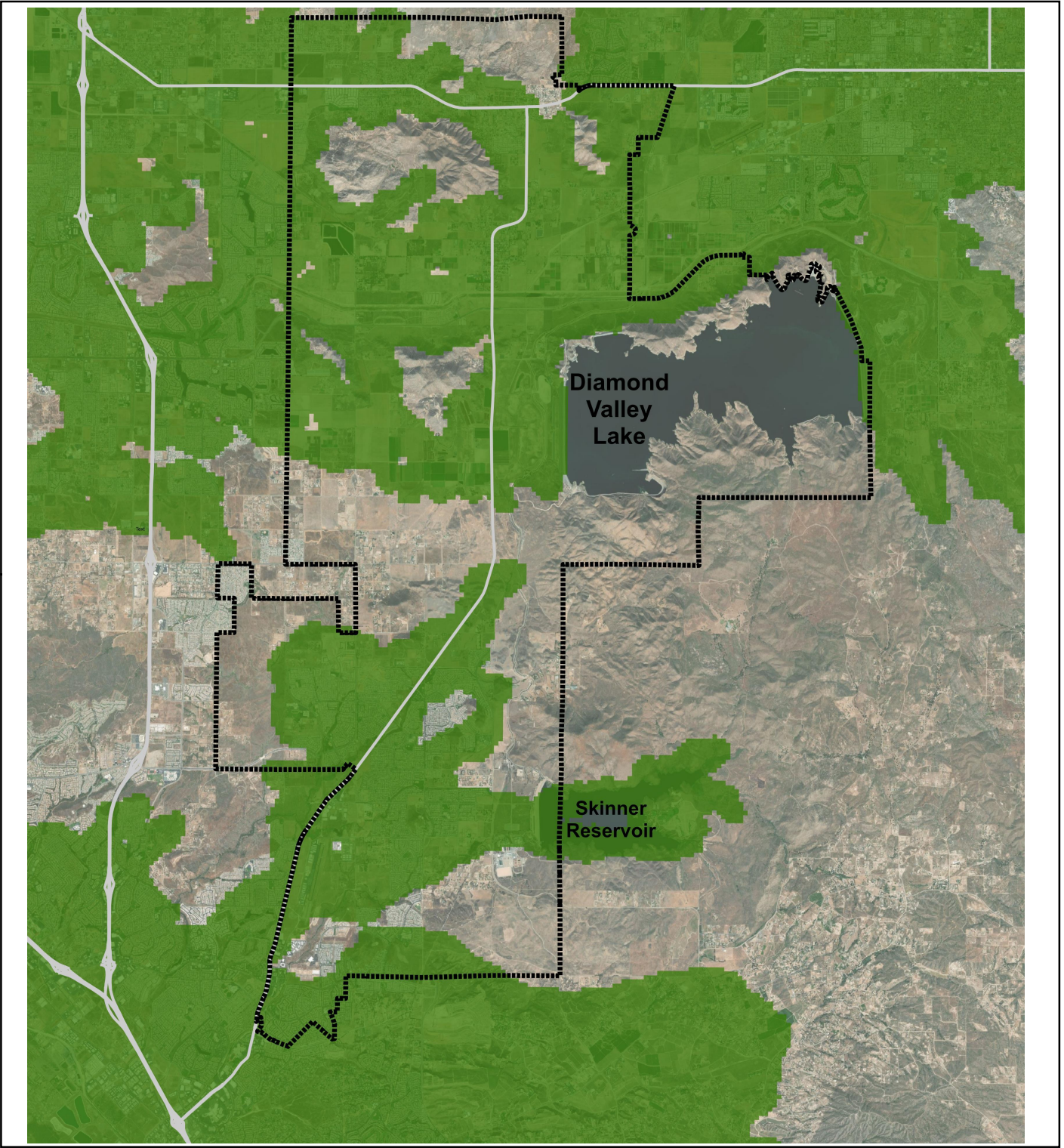
Legend		Liquefaction Susceptibility	
	Winchester Community Plan Area		Very low
	City Boundary		Low
	Waterbodies		Moderate
			High
			Very High



Source: County of Riverside

WINCHESTER COMMUNITY PLAN
 ENVIRONMENTAL IMPACT REPORT
Liquefaction Potential

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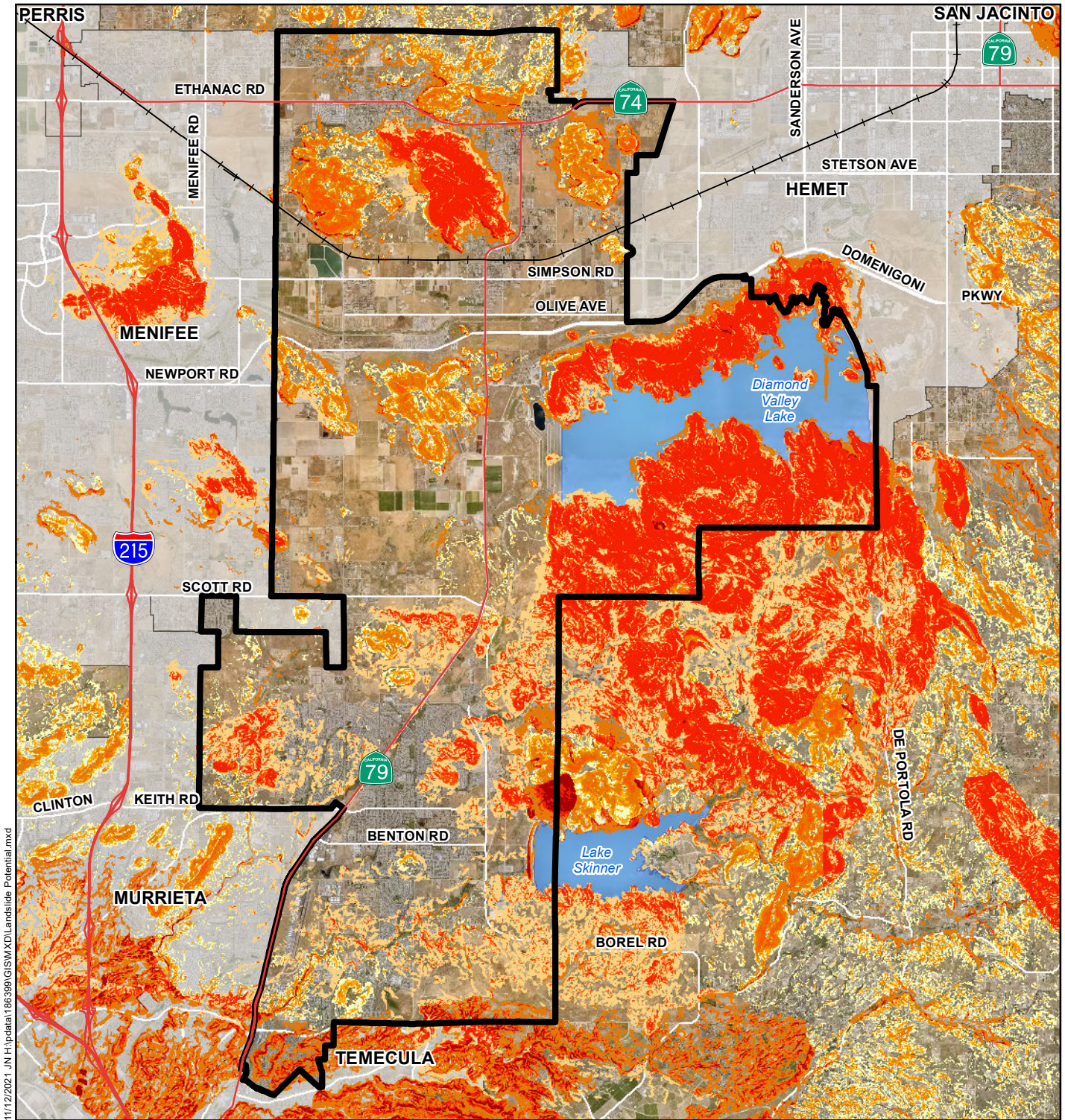
Legend

	Project Area	Subsidence Level
	Highway	 High Subsidence
		 Mild Subsidence
		 Low Subsidence

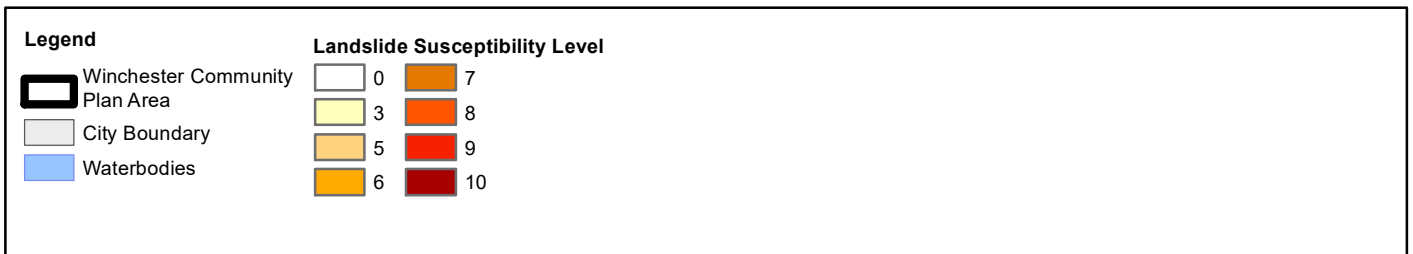


Source: Riverside County Mapping Portal, 2019; Kimley-Horn, 2021

WINCHESTER COMMUNITY PLAN
 ENVIRONMENTAL IMPACT REPORT
Subsidence



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Source: County of Riverside, California Department of Conservation, 2016

WINCHESTER COMMUNITY PLAN
 ENVIRONMENTAL IMPACT REPORT
Landslide Potential



4.8 GREENHOUSE GAS EMISSIONS

This section evaluates greenhouse gas (GHG) emissions associated with the proposed project and analyzes project compliance with applicable regulations. Consideration of the project's consistency with applicable plans, policies, and regulations, as well as the introduction of new sources of GHGs, is included in this section. Information in this section is based on the GHG modeling results for the project; refer to [Appendix B, *Air Quality and Greenhouse Gas Data*](#).

Information in this section is based primarily on the following sources:

- County of Riverside General Plan
- County of Riverside Environmental Impact Report No. 521 (EIR No. 521)

4.8.1 EXISTING SETTING

The County of Riverside, including the project area, are located in the South Coast Air Basin (Basin). The Basin is a 6,600-square-mile area bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east. The Basin includes all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties, in addition to the San Geronio Pass area in Riverside County. The Basin's terrain and geographical location (i.e., a coastal plain with connecting broad valleys and low hills) determine its distinctive climate.

The general region lies in the semi-permanent high-pressure zone of the eastern Pacific. The climate is mild and tempered by cool sea breezes. The usually mild climatological pattern is interrupted infrequently by periods of extremely hot weather, winter storms, or Santa Ana winds. The extent and severity of the air pollution problem in the Basin is a function of the area's natural physical characteristics (weather and topography), as well as man-made influences (development patterns and lifestyle). Factors such as wind, sunlight, temperature, humidity, rainfall, and topography all affect the accumulation and/or dispersion of pollutants throughout the Basin.

SCOPE OF ANALYSIS FOR CLIMATE CHANGE

The study area for climate change and the analysis of GHG emissions is broad as climate change is influenced by world-wide emissions and their global effects. However, the study area is also limited by the State CEQA Guidelines [Section 15064(d)], which directs lead agencies to consider an "indirect physical change" only if that change is a reasonably foreseeable impact which may be caused by the project.

The baseline against which to compare potential impacts of the project includes the natural and anthropogenic drivers of global climate change, including world-wide GHG emissions from human activities that have grown more than 70 percent between 1970 and 2004. The State of California is leading the nation in managing GHG emissions. Accordingly, 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).

GLOBAL CLIMATE CHANGE – GREENHOUSE GASES

The natural process through which heat is retained in the troposphere is called the “greenhouse effect.”¹ The greenhouse effect traps heat in the troposphere through a threefold process as follows: Short wave radiation emitted by the sun is absorbed by the earth; the earth emits a portion of this energy in the form of long wave radiation; and GHG in the upper atmosphere absorb this long wave radiation and emit this long wave radiation into space and toward the earth. This “trapping” of the long wave (thermal) radiation emitted back toward the earth is the underlying process of the greenhouse effect.

The most abundant GHGs are water vapor and carbon dioxide (CO₂). Many other trace gases have greater ability to absorb and re-radiate long wave radiation; however, these gases are not as plentiful. For this reason, and to gauge the potency of GHGs, scientists have established a global warming potential (GWP) for each GHG based on its ability to absorb and re-radiate long wave radiation. GHGs normally associated with development projects include the following:²

- Water Vapor (H₂O). Although water vapor has not received the scrutiny of other GHGs, it is the primary contributor to the greenhouse effect. Natural processes, such as evaporation from oceans and rivers, and transpiration from plants, contribute 90 percent and 10 percent of the water vapor in our atmosphere, respectively. The primary human related source of water vapor comes from fuel combustion in motor vehicles; however, it does not contribute a significant amount (less than 1 percent) to atmospheric concentrations of water vapor. The Intergovernmental Panel on Climate Change (IPCC) has not determined a GWP for water vapor.
- Carbon Dioxide (CO₂). Carbon dioxide is primarily generated by fossil fuel combustion in stationary and mobile sources. Due to the emergence of industrial facilities and mobile sources in the past 250 years, CO₂ emissions from fossil fuel combustion increased by a total of 3.7 percent between 1990 and 2018 (USEPA 2020). Carbon dioxide is the most widely emitted GHG and is the reference gas (GWP of 1) for determining GWPs for other GHGs.
- Methane (CH₄). Methane is emitted from biogenic sources, incomplete combustion in forest fires, landfills, manure management, and leaks in natural gas pipelines. The United States’ top three methane sources are landfills, natural gas systems, and enteric fermentation. Methane is the primary component of natural gas, used for space and water heating, steam production, and power generation. The GWP of methane is 25.

1 The troposphere is the bottom layer of the atmosphere, which varies in height from the earth’s surface to 10 to 12 kilometers.

2 All GWPs are given as 100-year GWP. Generally, GWPs were obtained from the Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report (AR4), with the addition of GWPs from the IPCC’s Fifth Assessment Report for fluorinated GHGs that did not have GWPs in the AR4.



- Nitrous Oxide (N₂O). Nitrous oxide is produced by both natural and human related sources. Primary human related sources include agricultural soil management, animal manure management, sewage treatment, mobile and stationary combustion of fossil fuels, adipic acid production, and nitric acid production. The GWP of nitrous oxide is 298.
- Hydrofluorocarbons (HFCs). Typically used as refrigerants for both stationary refrigeration and mobile air conditioning, use of HFCs for cooling and foam blowing is increasing, as the continued phase out of chlorofluorocarbons (CFCs) and HCFCs gains momentum. The 100-year GWP of HFCs range from 12 for HFC-161 to 14,800 for HFC-23.
- Perfluorocarbons (PFCs). PFCs are compounds consisting of carbon and fluorine and are primarily created as a byproduct of aluminum production and semiconductor manufacturing. PFCs are potent GHGs with a GWP several thousand times that of CO₂, depending on the specific PFC. Another area of concern regarding PFCs is their long atmospheric lifetime (up to 50,000 years). The GWP of PFCs range from 7,390 to 12,200.
- Sulfur hexafluoride (SF₆). SF₆ is a colorless, odorless, nontoxic, nonflammable gas. SF₆ is the most potent GHG that has been evaluated by the IPCC with a GWP of 22,800. However, its global warming contribution is not as high as the GWP would indicate due to its low mixing ratio compared to CO₂ (4 parts per trillion [ppt] in 1990 versus 365 ppm, respectively).

In addition to the six major GHGs discussed above (excluding water vapor), many other compounds have the potential to contribute to the greenhouse effect. Some of these substances were previously identified as stratospheric ozone (O₃) depleters; therefore, their gradual phase out is currently in effect. The following is a listing of these compounds:

- Hydrochlorofluorocarbons (HCFCs). HCFCs are solvents, similar in use and chemical composition to CFCs. The main uses of HCFCs are for refrigerant products and air conditioning systems. As part of the Montreal Protocol, all developed countries that adhere to the Montreal Protocol are subject to a consumption cap and gradual phase out of HCFCs. The United States is scheduled to achieve a 100 percent reduction to the cap by 2030. The 100-year GWPs of HCFCs range from 77 for HCFC-123 to 2,310 for HCFC-142b.
- 1,1,1 trichloroethane. 1,1,1 trichloroethane or methyl chloroform is a solvent and degreasing agent commonly used by manufacturers. The GWP of methyl chloroform is 146 times that of CO₂.
- Chlorofluorocarbons (CFCs). CFCs are used as refrigerants, cleaning solvents, and aerosols spray propellants. CFCs were also part of the U.S. Environmental Protection Agency's (EPA) Final Rule (57 Federal Register [FR] 3374) for the phase out of O₃ depleting substances. Currently, CFCs have been replaced by HFCs in cooling systems and a variety of alternatives for cleaning solvents. Nevertheless, CFCs remain suspended in the atmosphere contributing to the greenhouse effect. CFCs are potent GHGs with 100-year GWPs ranging from 4,750 for CFC-11 to 14,400 for CFC-13.



Emissions Inventory

According to the EPA's Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990–2018, total gross U.S. GHG emissions were 6,676.6 million metric tons carbon dioxide equivalent (MMT CO_2e) in 2018. Total U.S. emissions have increased by 3.7 percent from 1990 to 2018, down from a high of 15.2 percent above 1990 levels in 2007. Emissions increased from 2017 to 2018 by 2.9 percent (188.4 MMT CO_2e). Since 1990, U.S. emissions have increased at an average annual rate of 0.2 percent. Overall, from 1990 to 2018, total emissions of CO_2 increased by 296.6 MMT CO_2e (5.8 percent), while total emissions of methane (CH_4) decreased by 140.0 MMT CO_2e (18.1 percent), and total emissions of nitrous oxide (N_2O) remained constant despite fluctuations throughout the time series. During the same period, aggregate weighted emissions of hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF_6), and nitrogen trifluoride (NF_3) rose by 83.1 MMT CO_2e (83.4 percent). Despite being emitted in smaller quantities relative to the other principal greenhouse gases, emissions of HFCs, PFCs, SF_6 , and NF_3 are significant because many of them have extremely high global warming potentials (GWPs), and, in the cases of PFCs, SF_6 , and NF_3 , long atmospheric lifetimes.³

Based on the CARB California Greenhouse Gas Inventory for 2000-2018, California produced 425 MMT CO_2e in 2018, 0.8 MMT CO_2e higher than 2017 levels and 6 MMT CO_2e below the 2020 GHG Limit of 431 MMT CO_2e . The transportation sector remains the largest source of GHG emissions in the State. Direct emissions from vehicle tailpipe, off-road transportation sources, intrastate aviation, etc., account for 40 percent of statewide emissions in 2018. Emissions from the electric power sector comprise 15 percent of 2018 statewide GHG emissions. Emissions from the industrial sector contributed 21 percent of California's total GHG emissions in 2018. Emissions in this sector are primarily driven by fuel combustion from sources that include refineries, oil and gas extraction, cement plants, and the portion of cogeneration emissions attributed to thermal energy output. GHG emissions from the commercial and residential sectors are dominated by the combustion of natural gas and other fuels for household and commercial business use, such as space heating, cooking, and hot water or steam generation. California's agricultural sector contributed approximately eight percent of statewide GHG emissions in 2018, mainly from CH_4 and N_2O sources.⁴

4.8.2 REGULATORY SETTING

FEDERAL LEVEL

To date, no national standards have been established for nationwide GHG reduction targets, nor have any regulations or legislation been enacted specifically to address climate change and GHG emissions reduction at the project level. Various efforts have been promulgated at the Federal level to improve fuel economy and energy efficiency to address climate change and its associated effects.

3 Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990-2018, United States Environmental Protection Agency, EPA 430-R-20-002.

4 California Greenhouse Gas Emissions for 2000 to 2018, California Air Resources Board 2020 Edition.



Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 (December 2007), among other key measures, requires the following, which would aid in the reduction of national GHG emissions:

- Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
- Set a target of 35 miles per gallon for the combined fleet of cars and light trucks by model year 2020, and direct the National Highway Traffic Safety Administration (NHTSA) to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.
- Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

US Environmental Protection Agency Endangerment Finding

The EPA authority to regulate GHG emissions stems from the U.S. Supreme Court decision in *Massachusetts v. EPA* (2007). The Supreme Court ruled that GHGs meet the definition of air pollutants under the existing Clean Air Act and must be regulated if these gases could be reasonably anticipated to endanger public health or welfare. Responding to the Court's ruling, the EPA finalized an endangerment finding in December 2009. Based on scientific evidence it found that six GHGs (CO₂, CH₄, N₂O, HFCs, perfluorocarbons [PFCs], and sulfur hexafluoride [SF₆]) constitute a threat to public health and welfare. Thus, it is the Supreme Court's interpretation of the existing act and the EPA's assessment of the scientific evidence that form the basis for the EPA's regulatory actions.

Federal Vehicle Standards

In response to the US Supreme Court ruling discussed above, the George W. Bush Administration issued Executive Order 13432 in 2007 directing the EPA, the Department of Transportation, and the Department of Energy to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, the NHTSA issued a final rule regulating fuel efficiency and GHG emissions from cars and light-duty trucks for model year 2011, and in 2010, the EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016.

In 2010, President Barack Obama issued a memorandum directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the EPA and NHTSA proposed stringent, coordinated Federal GHG and fuel economy standards for model years 2017–2025 light-duty vehicles. The proposed standards projected to achieve 163 grams per mile of CO₂ in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017–2021,



and NHTSA intends to set standards for model years 2022–2025 in a future rulemaking. On January 12, 2017, the EPA finalized its decision to maintain the current GHG emissions standards for model years 2022–2025 cars and light trucks.

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014–2018. The standards for CO₂ emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baselines.

In August 2016, the EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018 through 2027 for certain trailers, and model years 2021 through 2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final standards are expected to lower CO₂ emissions by approximately 1.1 billion metric tons and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program.

STATE LEVEL

Various statewide and local initiatives to reduce the State’s contribution to GHG emissions have raised awareness that, even though the various contributors to and consequences of global climate change are not yet fully understood, global climate change is under way, and there is a real potential for severe adverse environmental, social, and economic effects in the long term.

California’s Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24)

California Code of Regulations (CCR) Title 24, *California Building Standards*, contains the energy efficiency standards related to residential and non-residential buildings. Title 24 standards are based, in part, on a State mandate to reduce California’s energy demand. These are prescriptive standards that establish maximum energy consumption levels for the heating and cooling of new buildings. The use of alternative energy applications in development projects, while encouraged, is not required as a development condition. Such applications may include installation of photovoltaic solar panels, active solar water heating systems, or integrated pool deck water heating systems, all of which serve to displace consumption of conventional energy sources. Incentives are primarily State and Federal tax credits, as well as reduced energy bills. The Subdivision Map Act requires subdivisions of five or more lots, other than condominium conversions, to provide for, to the extent feasible, future passive or natural heating or cooling opportunities in the subdivision. The City is responsible for implementing this requirement. A new development project is required to incorporate the most recent Title 24 standards in effect at the time a building permit application is submitted. The 2019 Building Energy Efficiency Standards were adopted on May 9, 2018 and went into effect on January 1, 2020. Under the 2019 standards, homes will use approximately 53 percent less energy and non-residential buildings will use approximately 30 percent less energy than buildings under the 2016 Title 24 standards.



California Green Building Code

The California Green Building (CALGreen) Code (California Code of Regulations, Title 24, Part 11) is a statewide mandatory construction code that was developed and adopted by the California Building Standards Commission and the California Department of Housing and Community Development. CALGreen standards require new residential and commercial buildings to comply with mandatory measures under five topical areas: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. CALGreen also provides voluntary tiers and measures that local governments may adopt which encourage or require additional measures in the five green building topics. The most recent update to the CALGreen Code was adopted in 2019 and went into effect on January 1, 2020. CALGreen requires new buildings to reduce water consumption by 20 percent, divert 50 percent of construction waste from landfills, and install low pollutant-emitting materials.

Executive Order S-1-07

Executive Order S-1-07 proclaims that the transportation sector is the main source of GHG emissions in California, generating more than 40 percent of statewide emissions. It establishes a goal to reduce the carbon intensity of transportation fuels sold in California by at least ten percent by 2020. This order also directs CARB to determine whether this Low Carbon Fuel Standard (LCFS) could be adopted as a discrete early-action measure as part of the effort to meet the mandates in AB 32. The development of the 2017 Scoping Plan Update has identified the LCFS as a regulatory measure to reduce GHG emissions to meet the 2030 emissions target. In calculating statewide emissions and targets, the 2017 Scoping Plan Update has assumed the LCFS be extended to an 18-percent reduction in carbon intensity beyond 2020. On September 27, 2018, CARB approved a rulemaking package that amended the Low Carbon Fuel Standard to relax the 2020 carbon intensity reduction from 10 percent to 7.5 percent and to require a carbon intensity reduction of 20 percent by 2030.

Executive Order S-3-05

Executive Order S-3-05 set forth a series of target dates by which Statewide emissions of GHGs would be progressively reduced, as follows:

- By 2010, reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels; and
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

The Executive Order directed the secretary of the California Environmental Protection Agency (Cal/EPA) to coordinate a multi-agency effort to reduce GHG emissions to the target levels. The secretary also submits biannual reports to the governor and California Legislature describing the progress made toward the emissions targets, the impacts of global climate change on California's resources, and mitigation and adaptation plans to combat these impacts. To comply with the executive order, the secretary of Cal/EPA created the California Climate Action Team, made up of members from various State agencies and commissions. The team released its first report in



March 2006. The report proposed to achieve the targets by building on the voluntary actions of California businesses, local governments, and communities and through State incentive and regulatory programs.

Executive Order S-13-08

Executive Order S-13-08 seeks to enhance the State’s management of climate impacts including sea level rise, increased temperatures, shifting precipitation, and extreme weather events by facilitating the development of the State’s first climate adaptation strategy. This Executive Order results in consistent guidance from experts on how to address climate change impacts in the State of California.

Executive Order S-14-08

Executive Order S-14-08 expands the State’s Renewable Energy Standard to 33 percent renewable power by 2020. Additionally, Executive Order S-21-09 (signed on September 15, 2009) directs CARB to adopt regulations requiring 33 percent of electricity sold in the State come from renewable energy by 2020. CARB adopted the “Renewable Electricity Standard” on September 23, 2010, which requires 33 percent renewable energy by 2020 for most publicly owned electricity retailers.

Assembly Bill 1493

AB 1493 (also known as the Pavley Bill) requires that CARB develop and adopt, by January 1, 2005, regulations that achieve “the maximum feasible reduction of GHG emitted by passenger vehicles and light-duty trucks and other vehicles determined by CARB to be vehicles whose primary use is noncommercial personal transportation in the State.” To meet the requirements of AB 1493, CARB approved amendments to the California Code of Regulations (CCR) in 2004 by adding GHG emissions standards to California’s existing standards for motor vehicle emissions. Amendments to CCR Title 13, Sections 1900 and 1961 and adoption of 13 CCR Section 1961.1 require automobile manufacturers to meet fleet-average GHG emissions limits for all passenger cars, light-duty trucks within various weight criteria, and medium-duty weight classes for passenger vehicles (i.e., any medium-duty vehicle with a gross vehicle weight rating less than 10,000 pounds that is designed primarily to transport people), beginning with the 2009 model year. Emissions limits are reduced further in each model year through 2016. The near-term standards were intended to achieve a reduction of about 22 percent in GHG emissions compared to the emissions from the 2002 fleet, while the mid-term standards were intended to achieve a reduction of about 30 percent.

Assembly Bill 32 (California Global Warming Solutions Act of 2006)

California passed the California Global Warming Solutions Act of 2006 (AB 32; *California Health and Safety Code* Division 25.5, Sections 38500 - 38599). AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and establishes a cap on statewide GHG emissions. AB 32 requires that statewide GHG emissions be reduced to 1990 levels by 2020. AB 32 specifies that regulations adopted in response to AB 1493 should be used to address GHG emissions from vehicles. However, AB 32 also includes



language stating that if the AB 1493 regulations cannot be implemented, then CARB should develop new regulations to control vehicle GHG emissions under the authorization of AB 32.

Senate Bill 32 (SB 32). Signed into law on September 2016, SB 32 codifies the 2030 GHG reduction target in Executive Order B-30-15 (40 percent below 1990 levels by 2030). The bill authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030. CARB also must adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG reductions.

Senate Bill 100 (SB 100). SB 100 (Chapter 312, Statutes of 2018) requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt-hours (kWh) of those products sold to their retail end-use customers achieve 44 percent of retail sales by December 31, 2024, 52 percent by December 31, 2027, 60 percent by December 31, 2030, and 100 percent by December 31, 2045. The bill would require the California Public Utilities Commission (CPUC), CEC, state board, and all other state agencies to incorporate that policy into all relevant planning. In addition, SB 100 would require the CPUC, CEC, and state board to utilize programs authorized under existing statutes to achieve that policy and, as part of a public process, issue a joint report to the Legislature by January 1, 2021, and every 4 years thereafter, that includes specified information relating to the implementation of the policy.

CARB Scoping Plan. On December 11, 2008, CARB adopted its Scoping Plan, which functions as a roadmap to achieve the California GHG reductions required by AB 32 through subsequently enacted regulations. CARB's Scoping Plan contains the main strategies California would implement to reduce the projected 2020 "Business-as-Usual" (BAU) emissions to 1990 levels, as required by AB 32. These strategies are intended to reduce CO₂e emissions by 174 million metric tons. This reduction of 42 million metric tons carbon dioxide equivalent (MTCO₂e), or almost 10 percent from 2002 to 2004 average emissions, would be required despite the population and economic growth forecasted through 2020.

CARB's Scoping Plan calculates 2020 BAU emissions as those expected to occur in the absence of any GHG reduction measures. The 2020 BAU emissions estimate was derived by projecting emissions from a past baseline year using growth factors specific to each of the different economic sectors (e.g., transportation, commercial and residential, industrial). CARB used three-year average emissions, by sector, for 2002 to 2004 to forecast emissions to 2020. When CARB's Scoping Plan process was initiated, 2004 was the most recent year for which actual data was available. The measures described in CARB's Scoping Plan are intended to reduce the projected 2020 BAU to 1990 levels, as required by AB 32.

AB 32 requires CARB to update the Scoping Plan at least once every five years. CARB adopted the first major update to the Scoping Plan on May 22, 2014. The updated Scoping Plan summarizes recent science related to climate change, including anticipated impacts to California and the levels of GHG reduction necessary to likely avoid risking irreparable damage. It identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet the 2020 target established by AB 32. The Scoping Plan update also looks beyond 2020 toward the 2050 goal, established in Executive Order S-3-05, and observes that "a mid-term statewide emission limit will ensure that the State



stays on course to meet our long-term goal.” The Scoping Plan update did not establish or propose any specific post-2020 goals, but identified such goals in water, waste, natural resources, clean energy, transportation, and land use.

On January 20, 2017, CARB released the proposed Second Update to the Scoping Plan, which identifies the State’s post-2020 reduction strategy. The Second Update was finalized in November 2017 and approved on December 14, 2017 and reflects the 2030 target of a 40 percent reduction below 1990 levels, set by Executive Order B-30-15 and codified by SB 32. The 2017 Scoping Plan Update establishes a new statewide emissions limit of 260 million MTCO_{2e} for the year 2030, which corresponds to a 40 percent decrease in 1990 levels by 2030. The 2017 Scoping Plan Update contains the following goals:

1. SB 350
 - Increases renewable electricity procurement goal from 33 percent to 50 percent by 2030.
 - Doubling of energy efficiency savings by 2030.
2. Low Carbon Fuel Standard (LCFS)
 - Increased stringency (reducing carbon intensity 18 percent by 2030, up from 10 percent in 2020).
3. Mobile Source Strategy (Cleaner Technology and Fuels Scenario)
 - Maintaining existing GHG standards for light- and heavy-duty vehicles.
 - Put 4.2 million zero-emission vehicles (ZEVs) on the roads.
 - Increase ZEV buses, delivery and other trucks.
4. Sustainable Freight Action Plan
 - Improve freight system efficiency.
 - Maximize use of near-zero emission vehicles and equipment powered by renewable energy.
 - Deploy over 100,000 zero-emission trucks and equipment by 2030.
5. Short-Lived Climate Pollutant (SLCP) Reduction Strategy
 - Reduce emissions of methane and hydrofluorocarbons 40 percent below 2013 levels by 2030.
 - Reduce emissions of black carbon 50 percent below 2013 levels by 2030.
6. SB 375 Sustainable Communities Strategies
 - Increased stringency of 2035 targets.
7. Post-2020 Cap-and-Trade Program
 - Declining caps, continued linkage with Québec, and linkage to Ontario, Canada.



- CARB will look for opportunities to strengthen the program to support more air quality co-benefits, including specific program design elements.
8. 20 percent reduction in GHG emissions from the refinery sector.
 9. By 2018, develop Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

Senate Bill 375

Acknowledging the relationship between land use planning and transportation sector GHG emissions, SB 375 was passed by the State Assembly on August 25, 2008 and signed by the Governor on September 30, 2008. The legislation links regional planning for housing and transportation with the GHG reduction goals outlined in AB 32. Reductions in GHG emissions can be achieved by, for example, locating employment opportunities close to transit. Under SB 375, each metropolitan planning organization (MPO) is required to adopt a sustainable communities strategy (SCS) to encourage compact development that reduces passenger vehicle miles traveled (VMT) and trips so the region can meet a target, created by CARB, for reducing GHG emissions. If the SCS is unable to achieve the regional GHG emissions reduction targets, then the MPO is required to prepare an alternative planning strategy that shows how the GHG emissions reduction target can be achieved through alternative development patterns, infrastructure, and/or transportation measures.

REGIONAL LEVEL

Southern California Association of Governments

On September 3, 2020, the Regional Council of SCAG formally adopted the 2020-2045 *Regional Transportation Plan/Sustainable Communities Strategy of the Southern California Association of Governments – Connect SoCal (2020–2045 RTP/SCS)*. The SCS portion of the 2020-2045 RTP/SCS highlights strategies for the region to reach the regional target of reducing GHGs from autos and light-duty trucks by 8 percent per capita by 2020, and 19 percent by 2035 (compared to 2005 levels). Specially, these strategies are:

- Focus growth near destinations and mobility options
- Promote diverse housing choices
- Leverage technology innovations
- Support implementation of sustainability policies
- Promote a green region

Furthermore, the 2020-2045 RTP/SCS discusses a variety of land use tools to help achieve the state-mandated reductions in GHG emissions through reduced per capita VMT: Some of these tools include center focused placemaking, focusing on priority growth areas, job centers, transit priority areas, as well as high quality transit areas and -green regions.



LOCAL LEVEL

County of Riverside General Plan

Air Quality Element

The following policies contained in the County of Riverside General Plan Air Quality Element are applicable to the project in regard to GHGs:

- AQ 1.1 Promote and participate with regional and local agencies, both public and private, to protect and improve air quality.
- AQ 1.2 Support Southern California Association of Government's (SCAG) Regional Growth Management Plan by developing intergovernmental agreements with appropriate governmental entities such as the Western Riverside Council of Governments (WRCOG), the Coachella Valley Association of Governments (CVAG), sanitation districts, water districts, and those sub regional entities identified in the Regional Growth Management Plan.
- AQ 1.3 Participate in the development and update of those regional air quality management plans required under Federal and State law, and meet all standards established for clean air in these plans.
- AQ 1.4 Coordinate with the SCAQMD and MDAQMD to ensure that all elements of air quality plans regarding reduction of air pollutant emissions are being enforced.
- AQ 1.7 Support legislation which promotes cleaner industry, clean fuel vehicles and more efficient burning engines and fuels.
- AQ 3.2 Seek new cooperative relationships between employers and employees to reduce vehicle miles traveled.
- AQ 3.4 Encourage employee rideshares and transit incentives for employers with more than 25 employees at a single location.
- AQ 4.1 Require the use of all feasible building materials/methods which reduce emissions.
- AQ 4.2 Require the use of all feasible efficient heating equipment and other appliances, such as water heaters, swimming pool heaters, cooking equipment, refrigerators, furnaces and boiler units.
- AQ 4.3 Require centrally heated facilities to utilize automated time clocks or occupant sensors to control heating where feasible.
- AQ 4.4 Require residential building construction to comply with energy use guidelines detailed in Part 6 (California Energy Code) and/or Part 11 (California Green Building Standards Code) of Title 24 of the California Code of Regulations. AQ 4.5 Require stationary pollution sources to minimize the release of toxic pollutants through:
 - Design features;
 - Operating procedures;
 - Preventive maintenance;
 - Operator training; and
 - Emergency response planning



4.8 Greenhouse Gas Emissions

- AQ 4.7 To the greatest extent possible, require every project to mitigate any of its anticipated emissions which exceed allowable emissions as established by the SCAQMD, MDAQMD, SCAB, the Environmental Protection Agency and the California Air Resources Board.
- AQ 5.2 Adopt incentives and/or regulations to enact energy conservation requirements for private and public developments.
- AQ 5.3 Update, when necessary, the County's Policy Manual for Energy Conservation to reflect revisions to the County Energy Conservation Program.
- AQ 5.4 Encourage the incorporation of energy-efficient design elements, including appropriate site orientation and the use of shade and windbreak trees to reduce fuel consumption for heating and cooling.
- AQ 8.4 Support new mixed-use land use patterns and community centers which encourage community self-sufficiency and containment, and discourage automobile dependency.
- AQ 8.5 Develop community centers in conformance with policies contained in the Land Use Element.
- AQ 8.6 Encourage employment centers in close proximity to residential uses.
- AQ 8.7 Implement zoning code provisions which encourage community centers, telecommuting and home-based businesses.
- AQ 8.8 Promote land use patterns which reduce the number and length of motor vehicle trips.
- AQ 8.9 Promote land use patterns that promote alternative modes of travel.
- AQ 16.3 Collaborate with the SCAQMD and MDAQMD to require and/or encourage the adoption of regulations or incentives to limit the amount of time trucks may idle.
- AQ 20.21 Provide homeowner education programs on the various voluntary ways in which they may reduce their homes' GHG emissions, e.g., improving home insulation, adding solar energy capabilities, and providing information on energy saving landscaping techniques.
- AQ 20.22 Develop motorist education programs on reducing VMT, idling and vehicle maintenance, while increasing carpooling and public transit usage.
- AQ 20.25 Coordinate County GHG emissions reduction efforts with those of other regional agencies and plans, i.e., SCAG's Compass Blueprint, Regional Transportation Plan (RTP) and SCAQMD's [South Coast Air Quality Management District] Air Quality Management Plans. In addition, coordinate with cities and sub-regional planning agencies, particularly WRCOG and CVAG, on efforts that jointly affect the County and the cities. Also, coordinate with utility and service providers to



develop programs to improve energy efficiency, water efficiency and delivery or structural improvements to reduce demand or better coordinate infrastructure development, as appropriate.

AQ 21.1 The County shall require new development projects subject to County discretionary approval to incorporate measures to achieve 100 points through incorporation of the Implementation Measures (IMs) found in the Screening Tables within the Riverside County Climate Action Plan. One hundred points represent a project's fare-share of reduction in operational emissions associated with the developed use needed to reduce emissions down to the CAP Reduction Target.

- a) For the purposes of this policy, the "operational life" of a new development shall be defined as a 30-year span with construction emissions amortized over the 30 years.
- b) For the purposes of this policy, "new development" refers to private development occurring pursuant to a discretionary land use approval issued by the County of Riverside and subject to binding Conditions of Approval. This definition generally corresponds to projects found non-exempt pursuant to the California Environmental Quality Act (CEQA), but is nevertheless subject to the sole discretion of the County of Riverside as lead agency.
- c) Other methods for showing GHG emissions reductions may be used provided such methods are both scientifically defensible and show actual emission reduction measures incorporated into project design, mitigation or alternative selection. That is, reductions must not be illusory "paper" reductions achieved merely through baseline manipulation.
- d) Nothing in this policy shall be construed as accepting any proposed discretionary project from any legally applicable CEQA requirements or explicitly limiting the scope any analyses required to show CEQA compliance.

AQ 21.2 Implementation Measures found necessary for a given project pursuant to the CAP Screening Tables shall be incorporated into a project's Mitigation and Monitoring Programs as required mitigation measures under CEQA to ensure the measures are implemented appropriately. Such Implementation Measures may also be separately incorporated into the Conditions of Approval issued by the County. In the event no Mitigation and Monitoring Program is required for a project, the Implementation Measures shall be incorporated into a project's Conditions of Approval issued by the County.

AQ 21.3 Discretionary Measures - Because of the varied nature of the private development proposals reviewed by the County, in some cases, the Implementing Measures in the CAP may not provide the most appropriate means for achieving the required Interim GHG reductions. In such cases, the following alternate measures may be utilized, at the County's discretion:



- a) For large-scale developments, such as specific plans, business parks, industrial centers, and those triggering a full Environmental Impact Report, a custom GHG analyses may be warranted to both assure compliance with the applicable targets herein and to provide a customized array of appropriate reduction measures.
- b) In such cases, the resultant GHG analysis may be used to develop customized GHG reduction measures in place of the CAP's Implementing Measures, provided they achieve the stated targets or implement all feasible mitigation short of achieving the applicable targets.
- c) Project-specific analysis may be particularly valuable when assessing large-scale mixed-use developments. In such developments, significant energy efficiencies and VMT reductions can result from smart growth design features, such as provision of housing, jobs, services, and recreation within a 5- to 10-minute walking radius. Project-specific analysis in these cases may result in the need for fewer add-on Implementing Measures and potentially yield substantial savings on construction costs.

AQ 21.4 Implementation of the Climate Action Plan (CAP) and monitoring progress toward the CAP reduction targets shall include the ability to expand upon or, where appropriate, update or replace the Implementation Measures established herein such that the implementation of the CAP accomplishes the County's GHG reduction targets.

AQ 22.1 The County shall implement programs and requirements to achieve the following objectives related to reducing greenhouse gas emissions associated with transportation

- a) Reduce vehicle miles traveled by providing or requiring expanded multi-modal facilities and services that provide transportation alternatives, such as transit, bicycle and pedestrian modes.
- b) Reduce vehicle miles traveled by facilitating an increase in transit options. In particular, coordinate with adjacent municipalities, transit providers and regional transportation planning agencies to develop mutual policies and funding mechanisms to increase the use of alternative transportation.
- c) Improve connectivity by requiring pedestrian linkages between developments and transportation facilities, as well as between residential and commercial, recreational and other adjacent land uses.
- d) Reduce air pollution and greenhouse gas emissions by improving circulation network efficiency.
- e) Reduce traffic through programs that increase carpooling and public transit use, decrease trips and commute times and increase use of alternative-fuel vehicles.



- f) Preserve transportation corridors for renewable energy transmission lines and for new transit lines, where appropriate.

AQ 23.1 The County shall implement programs and requirements to achieve the following objective related to reducing greenhouse gas emissions associated with land use patterns

- a) Reduce vehicle miles travelled (VMT) through increased densities in urban centers and emphasis on mixed use to provide localized residential, commercial and employment opportunities in closer proximity to each other.
- b) Prevent urban sprawl in order to minimize energy costs associated with infrastructure construction and transmission to distant locations and to maximize protection of open space, particularly forests, which provide carbon sequestration potential.
- c) Conserve energy by increasing the efficiency of delivery of services through the adoption and implementation of smart growth principles and policies.
- d) Reduce vehicle miles travelled by commuters through implementation of planning measures that provide appropriate jobs-housing balances within communities.
- e) Reduce vehicle miles travelled by increasing options for nonvehicular access through urban design principles that promote higher residential densities in attractive forms with easily accessible parks and recreation opportunities nearby
- f) Improve energy efficiency through implementation of standards for new residential and commercial buildings that achieve energy efficiencies beyond that required under Title 24 of the California Code of Regulations. g. Reduce vehicle miles travelled by identifying sites for affordable housing for workers close to employment centers and encouraging development of such sites.

AQ 23.2 For discretionary actions, land use-related greenhouse gas reduction objectives shall be achieved through development and implementation of the appropriate Implementation Measures of the Climate Action Plan for individual future projects. County programs shall also be developed and implemented to address land use-related reductions for County operations and voluntary community efforts.

AQ 24.1 The County shall implement programs and requirements to achieve the following Objectives related to reducing greenhouse gas emissions achieved through improving energy efficiency and increasing energy conservation

- a) Require new development (residential, commercial and industrial) to reduce energy consumption through efficient site design that takes into consideration solar orientation and shading, as well as passive solar design. Passive solar design addressed the innate heating and cooling effects achieved through



building design, such as selective use of deep eaves for shading, operable windows for cross-ventilation, reflective surfaces for heat reduction and expanses of brick for thermal mass (passive radiant heating).

- b) Require new development (residential, commercial and industrial) to design energy efficiency into the project through efficient use of utilities (water, electricity, natural gas) and infrastructure design.
- c) Require new development (residential, commercial and industrial) to reduce energy consumption through use of energy efficient mechanical systems and equipment.
- d) Establish or support programs to assist in the energy-efficient retrofitting of older affordable housing units.
- e) Actively seek out existing or develop new programs to achieve energy efficiency for existing structures, particularly residential units built prior to 1978 when Title 24 energy efficiency requirements went into effect.
- f) Balance additional upfront costs for energy efficiency and affordable housing economic considerations by providing or supporting programs to finance energy-efficient housing.

AQ 24.2 For discretionary actions, energy efficiency and conservation objectives shall be achieved through development and implementation of the appropriate Implementation Measures of the Climate Action Plan for all new development approvals. County programs shall also be developed and implemented to address energy efficiency and conservation efforts for County operations and the community.

AQ 25.1 The County shall implement programs and requirements to achieve the following objectives related to reducing greenhouse gas emissions through water conservation

- a) Reduce water use in both new and existing housing, commercial and industrial uses.
- b) Reduce wastewater generation in both new and existing housing, commercial and industrial uses.
- c) Reduce the amount of water used for landscaping irrigation through implementation of County Ordinance No. 859.
- d) Increase use of non-potable water where appropriate, such as for landscaping and agricultural uses.
- e) Encourage increased efficiency of water use for agricultural activities.



- f) Decrease energy costs associated with treatment of urban runoff water through greater use of bioswales and other biological systems.

AQ 25.2 The County shall implement programs and requirements to achieve the following objectives related to reducing greenhouse gas emissions through biota conservation:

- a) Conserve biota that provides carbon sequestration through implementation of the Multiple Species Habitat Conservation Plans for western and eastern Riverside County.
- b) Preserve forest lands and other suitable natural vegetation areas to maintain the carbon sequestration capacity of such areas within the County.
- c) Promote establishment of vegetated recreational uses, such as local and regional parks, that provide carbon sequestration potential in addition to opportunities for healthy recreation.
- d) Promote urban forestry and reforestation, as feasible, to provide additional carbon sequestration potential.
- e) Promote the voluntary preservation of farmlands for carbon sequestration purposes. In particular, protect important farmlands and open space from conversion and encroachment by urban uses. Also, seek to retain large parcels of agricultural lands to enhance the viability of local agriculture and prevent the encroachment of sprawl into rural areas.
- f) Promote the voluntary preservation of areas of native vegetation that may contribute to biological carbon sequestration functions.
- g) Protect vegetation from increased fire risks associated with drought conditions to ensure biological carbon remains sequestered in vegetation and not released to the atmosphere through wildfires. In particular, prevent unnecessary intrusion of people, vehicles and development into natural open space areas to lessen risk of wildfire from human activities.

AQ 25.3 For discretionary actions, greenhouse gas reduction objectives related to water and biota conservation shall be achieved through development and implementation of the applicable Implementation Measures of the Climate Action Plan. County programs shall also be developed and implemented to address conservation issues related to County operations and voluntary community efforts.

AQ 26.1 The County shall implement programs and requirements to achieve the following objectives related to reducing greenhouse gas emissions derived from energy generation

- a) Encourage the installation of solar panels and other energy-efficient improvements.



- b) Facilitate residential and commercial renewable energy facilities (solar array installations, individual wind energy generators, etc.).
- c) Facilitate development of renewable energy facilities and transmission lines in appropriate locations.
- d) Facilitate renewable energy facilities and transmission line siting.
- e) Provide incentives for development of local green technology businesses and locally produced green products.
- f) Provide incentives for investment in residential and commercial energy efficiency improvements.
- g) Identify lands suitable for wind power generation or geothermal production and encourage development of these alternative energy sources.

AQ 26.2 For discretionary actions, the objectives for greenhouse gas reduction through increased use of alternative energy sources shall be achieved through development and implementation of the applicable Implementation Measures of the Climate Action Plan. County programs shall also be developed and implemented to address use of alternative energy for County operations and within the community.

AQ 27.1 The County shall implement programs and requirements to achieve the following objectives related to reducing greenhouse gas emissions associated with wastes

- a) Reduce the amount of solid waste generated.
- b) Increase the amount of solid waste recycled by maximizing waste diversion, composting and recycling for residential and commercial generators.
- c) Promote reductions in material consumption.
- d) Decrease wastewater generation.
- e) Reduce fugitive methane emissions and increase methane conversion to alternative energies at County landfills.

AQ 27.2 Greenhouse gas reduction through the above waste reduction Objectives shall be achieved through development and implementation of the applicable Implementation Measures of the Climate Action Plan for new development. County programs shall also be developed and implemented to address waste reductions for County operations and voluntary community efforts.

AQ 28.1 The County shall implement programs and requirements to achieve voluntary greenhouse gas emissions reductions through the following public education and outreach objectives



- a) Provide homeowner education programs on the various voluntary ways in which they may reduce their homes' GHG emissions.
- b) Develop and implement motorist education programs on reducing vehicle miles travelled (VMT), idling, vehicle maintenance, etc.
- c) Develop and implement incentive programs for increasing carpooling, public transit use and other similar means.
- d) Develop and implement incentive programs for residential energy conservation, such as through retrofitting to improve insulation values, adding solar energy capabilities, planting deciduous trees to provide summer shade, etc.
- e) Develop and implement programs designed to decrease transportation emissions, such as hybrid vehicle rebates, alternate fuel discounts, carpooling incentives, van pools, etc.
- f) Develop and implement education programs about green purchasing and waste reduction measures, e.g., use of sustainable materials, composting and such.
- g) Develop and implement programs to improve job-housing balances, such as through small business development, for areas that are housing rich but jobs poor.
- h) Develop and implement programs to incentive recycling and other waste reduction programs.

AQ 28.2 The County shall implement programs and requirements to achieve greenhouse gas emissions reductions through the following interagency coordination objectives

- a) Coordinate County regional GHG reduction efforts with those of other regional agencies and plans, i.e.:
 - SCAG Regional Blueprint Plan
 - SCAG Regional Transportation Plan (which will address SB375)
 - SCAQMD Air Quality Management Plans
 - SB 375 Coordination and "Sustainable Communities Strategies"
- b) Coordinate with constituent cities and sub-regional planning agencies, particularly WRCOG and CVAG, on GHG reduction efforts that jointly affect the County and these cities.
- c) Coordinate with utility and service providers serving the County to develop programs to improve energy efficiency, water efficiency and delivery or



structural improvements to reduce demand or better coordinate infrastructure development, as appropriate.

- d) Coordinate with regional agencies responsible for developing utility corridors, particularly for electricity transmission, to ensure alternate energy sources available to Riverside County are used to their fullest extent.

AQ 28.3 Voluntary greenhouse gas reduction objectives for the community sector shall be achieved through development and implementation of specific implementation measures, as determined appropriate and feasible by the County.

AQ 29.1 The County shall implement programs and requirements to achieve the following Objectives related to reducing greenhouse gas emissions from County transportation, such as fleet composition, construction equipment, employee commuting and travel on County business

- a) Increase the average fuel efficiency of County-owned vehicles powered by gasoline and diesel.
- b) Increase use of alternative and lower carbon fuels in the County vehicle fleet.
- c) Reduce total vehicle miles traveled by County employees, both commuting to work sites and travel for the conduction of County activities.

AQ 29.2 The County shall implement programs and requirements to achieve the following objectives related to reducing greenhouse gas emissions through improving energy efficiency for County facilities and operations

- a) Improve the energy efficiency of all existing and new County buildings.
- b) Improve the energy efficiency of County infrastructure operation (roads, water, waste disposal and treatment, buildings, etc.)
- c) Decrease energy use through incorporating renewable energy facilities (such as, solar array installations, individual wind energy generators, geothermal heat sources) on County facilities where feasible and appropriate.

AQ 29.3 The County shall implement programs and requirements to achieve the following objectives related to reducing greenhouse gas emissions through achieving waste reduction and resource efficiency for County facilities and operations

- a) Establish purchasing and procurement policies that support the use of green products and services, minimize waste and promote sustainability.
- b) Reduce potable water use at both new and existing County facilities and operations.
- c) Reduce wastewater generation and urban runoff in both new and existing County facilities and operations.



- d) Increase the amount of materials recycled from County facilities while decreasing the amount of solid waste generated by County facilities that requires landfill disposal.

AQ 29.4 Greenhouse gas emissions reduction objectives for County operations and facilities shall be achieved through development and implementation of enforceable and binding internal County policies, programs or similar means.

Healthy Communities Element

The following policies contained in the County of Riverside General Plan Healthy Communities Element are applicable to the project in regard to GHGs:

HC 15.4 Coordinate, with environmental groups, Native American tribal groups, the business community, special interests, county and non-county agencies and the general public in the development of programs that effectively reduce greenhouse gas emissions and air pollution, and as applicable pursuant to the Community Air Protection Program (AB617).

HC 16.24 Ensure compatibility between industrial development and agricultural uses and adjacent land uses. To achieve compatibility, industrial development and agricultural uses will be required to include criteria addressing noise, land, traffic and greenhouse gas emissions to avoid or minimize creating adverse conditions for adjacent communities.

Multipurpose Open Space Element

The following policies contained in the County of Riverside General Plan Multipurpose Open Space Element are applicable to the project in regard to GHGs:

OS 16.14 Coordinate energy conservation activities with the County Climate Action Plan (CAP) as decreasing energy usage also helps reduce carbon emissions.

Riverside County Climate Action Plan (CAP)

The CAP was designed under the premise that the County of Riverside, and the community it represents, is uniquely capable of addressing emissions associated with sources under Riverside County's jurisdiction, and that Riverside County's emission reduction efforts should coordinate with the State strategies of reducing emissions in order to accomplish these reductions in an efficient and cost-effective manner. The CAP provides another implementation tool of the General Plan to guide development in Riverside County. The CAP focuses development on attaining the various goals and policies of the General Plan and all community plans relative to GHG emissions. The 2019 CAP Update was approved on December 17, 2019. The 2019 CAP Update refines the County's efforts to meet GHG reduction strategies, specifically for the years 2035 and 2050. The 2019 CAP Update builds upon the GHG reduction strategies in the 2015 CAP. To continue reductions consistent with the State's long-term emissions reduction goals,



the County would need to reduce emissions in 2030 by 525,511 MTCO₂e from an Adjusted Business as Usual (ABAU) forecast and by 2,982,947 MTCO₂e from an ABAU forecast by 2050.⁵

In order to evaluate consistency with the CAP Update, the Riverside County provided Screening Tables to aid in measuring the reduction of GHG emissions attributable to certain design and construction measures incorporated into development projects. The CAP Update contains a menu of measures potentially applicable to discretionary development that include energy conservation, water use reduction, increased residential density or mixed uses, transportation management and solid waste recycling. Individual sub-measures are assigned a point value within the overall screening table of GHG implementation measures. The point values are adjusted according to the intensity of action items with modest adoption/installation (those that reduce GHG emissions by modest amounts) worth the least number of points and greatly enhanced adoption/installation worth the most. projects that garner at least 100 points (equivalent to an approximate 49 percent reduction in GHG emissions) are determined to be consistent with the reduction quantities anticipated in the County's GHG Technical Report, and consequently would be consistent with the CAP Update.

Riverside County Ordinances

The following Riverside County Ordinances regulations and policies are intended to reduce GHGs within Riverside County:

Ordinance No. 706, *Mobile Source Air Pollution Protection Program*. This Ordinance is intended to support the SCAQMD's imposition of the vehicle registration fee and to bring the County into compliance with the requirements set forth in Section 44243 of the Health and Safety Code in order to receive fee revenues for the purpose of implementing programs to reduce air pollution from motor vehicles.

Ordinance No. 726, *Transportation Demand Management Requirements for New Development Projects*. This ordinance is intended to meet the requirements of the Riverside County Congestion Management Program and the Air Quality Management Plan as well as to promote consideration of transportation demand management objectives early in the development review process. Often, conventional land development promotes reliance on the single occupancy vehicle. This ordinance establishes policies and procedures to encourage and promote the use of alternative transportation modes through project design and facility planning.

Ordinance No. 782, *Riverside County Golf Cart Transportation Plan*. this ordinance is intended to establish a golf cart transportation program within the County of Riverside. The Streets and Highways Code of the State of California authorizes the County of Riverside to develop a golf cart transportation plan that extends the use of golf carts for transportation beyond access to golf courses. It is the further intent of the state to accommodate the functional travel needs of certain residents of the plan area, provided the County establish golf cart lanes, minimum golf cart standards, operation requirements and permit procedures.

824,

⁵ County of Riverside, *Climate Action Plan Update*, November 2019.



4.8.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Amendments to State CEQA Guidelines Section 15064.4 were adopted to assist lead agencies in determining the significance of the impacts of GHG emissions. Consistent with existing CEQA practice, Section 15064.4 gives lead agencies the discretion to determine whether to assess those emissions quantitatively or qualitatively. This section recommends certain factors to be considered in the determination of significance (i.e., the extent to which a project may increase or reduce GHG emissions compared to the existing environment; whether the project exceeds an applicable significance threshold; and the extent to which the project complies with regulations or requirements adopted to implement a plan for the reduction or mitigation of GHGs). The amendments do not establish a quantified or performance-based threshold of significance; rather, lead agencies are granted discretion to establish significance thresholds for their respective jurisdictions, including looking to thresholds developed by other public agencies or suggested by other experts, such as the California Air Pollution Control Officers Association (CAPCOA), so long as any threshold chosen is supported by substantial evidence (see CEQA Guidelines Section 15064.7(c)).

The California Natural Resources Agency (CNRA) has also clarified that the State CEQA Guidelines amendments focus on the effects of GHG emissions as cumulative impacts, and therefore GHG emissions should be analyzed in the context of CEQA's requirements for cumulative impact analyses (see State CEQA Guidelines Section 15064(h)(3)) (CNRA 2009a, 2009b). A project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements to avoid or substantially lessen the cumulative problem within the geographic area of the project (14 CCR Section 15064[h][3]).

CONSISTENCY WITH PLANS

The project's GHG impacts are evaluated by assessing the project's consistency with applicable local, regional, and statewide GHG reduction plans and strategies. On a regional level, the SCAG 2020-2045 RTP/SCS contains measures to achieve VMT reductions required under SB 375. On a statewide level, the 2017 Scoping Plan Update provides measures to achieve SB 32 targets. Thus, if the project complies with these plans, policies, regulations, and requirements, the project would result in a less than significant impact because it would be consistent with the overarching State and regional plans for GHG reduction. A consistency analysis is provided below and describes the project's compliance with performance-based standards included in the regulations outlined in the applicable portions of the 2020-2045 RTP/SCS and 2017 Scoping Plan Update.

QUANTIFICATION OF EMISSIONS

In view of the above considerations, this EIR quantifies the project's total annual GHG emissions for informational purposes, taking into account the GHG emission reduction features that would be incorporated into the project's design. The California Emissions Estimator Model version 2016.3.2 (CalEEMod) is 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



4.8 Greenhouse Gas Emissions

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.

CEQA SIGNIFICANCE CRITERIA

Appendix G of the State CEQA Guidelines contains the Environmental Checklist form used during preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (refer to Impact Statement GHG-1); and
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (refer to Impact Statement GHG-2).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

4.8.4 IMPACTS AND MITIGATION MEASURES

GREENHOUSE GAS EMISSIONS

GHG-1 GREENHOUSE GAS EMISSIONS GENERATED BY THE PROJECT COULD HAVE A SIGNIFICANT IMPACT ON GLOBAL CLIMATE CHANGE.

Impact Analysis

Because of the global nature of climate change, it is generally the case that an individual project is of insufficient magnitude by itself to influence climate change or result in a substantial contribution to the global GHG inventory. GHG impacts are recognized as cumulative impacts. Often, estimates of GHG emissions are presented in CO₂e, which weighs each gas by its global warming potential. Expressing GHG emissions in CO₂e takes the contribution of all GHG emissions to the greenhouse effect and converts them to a single unit equivalent to the effect that would occur if only CO₂ were being emitted.

Construction-Related Impacts

The project proposes land use and policy changes that would facilitate development within the project area. Construction of future development within the project area would generate temporary GHG emissions primarily due to construction equipment and truck trips. Site preparation and grading typically generate the greatest amount of emissions due to the use of grading equipment and soil hauling. Direct GHG emissions from future development would



typically include emissions from construction and operational activities. Future development construction activities would result in direct emissions of CO₂, N₂O, and CH₄ from construction equipment operations, as well as materials transport and construction workers commute to and from the construction site. Construction activities would consist of grading, demolition, excavation, cut-and-fill, paving, building construction, and application of architectural coatings. Construction activities associated with future development would occur in incremental phases over time based upon numerous factors, including market demand and economic and planning considerations.

Construction-related GHG emissions are typically site-specific and depend upon multiple variables. Quantifying individual future development's GHG emissions from short-term, temporary construction-related activities is not possible 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, CAP implementation, and the mitigation measures included for Impact Statement AQ-2 in [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.

Operational Impacts

Project operational emissions include area sources, including consumer products, landscape maintenance, and architectural coating; emissions from solid waste; emissions from water and wastewater use; and mobile sources. For mobile sources, the estimate of total project daily trips was based on Institute of Transportation Engineers (ITE) vehicle trip generation rates.

As GHG emissions will ultimately be guided by future State legislative actions, operational emissions generated by project implementation were also qualitatively evaluated based on the potential to demonstrate compliance with the long-term State reduction targets. 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. [Table 4.8-1, *Annual Greenhouse Gas Emissions*](#), shows the operational GHG emissions associated with the project's full buildout.

**Table 4.8-1: Annual Greenhouse Gas Emissions**

Emission Source	Emissions (MTCO ₂ e)		
	Current General Plan	Proposed Project	Change
Winchester Policy Area (approximately 23,153 acres)			
Area	8,706	11,605	+2,899
Energy	195,043	212,876	+17,833
Mobile	1,098,459	1,121,732	+23,273
Solid Waste	33,246	35,474	+2,228
Water	49,282	44,978	-4,304
Total	1,384,736	1,426,665	+41,929
Highway-79 Policy Area (approximately 26,908 acres)			
Area	8,879	9,646	+767
Energy	112,092	121,772	+9,680
Mobile	618,740	632,387	+13,647
Solid Waste	17,610	19,131	+1,521
Water	12,085	13,129	+1,044
Total	769,407	796,065	+26,659
Winchester Policy Area plus Highway 79 Policy Area (CEQA project)			
Area	17,585	21,251	+3,666
Energy	307,135	334,648	+27,513
Mobile	1,717,199	1,754,119	+36,920
Solid Waste	50,856	54,605	+3,749
Water	61,367	58,107	-3,260
Total	2,154,143	2,222,730	+68,588

Source: CalEEMod 2020.4.0. Refer to Appendix B.

As indicated in [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.

Although the project would result in greater GHG emissions than identified in the General Plan, the project would provide greater housing variety and density (including affordable housing, life-cycle housing [e.g., starter homes for larger families to senior housing], workforce housing, veterans housing, etc.) and 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.⁶ These project objectives would reduce GHG emissions.

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 mobile GHG emissions from vehicle trips. The project would be consistent with the policies and initiatives of State GHG reduction programs, as well as the regional RTP/SCS (see further details under Impact Statement GHG-2). Future development within the project area would be constructed in accordance with CCR Title 24 and the California Green Building Standards. Title 24 include measures to ensure new development has solar-ready roofs, and energy and water efficient building design, appliances, and fixtures, and the California Green Building Standards require energy efficiency, water efficiency, and material conservation and resource efficiency.

In addition, future development facilitated by the project would be subject to discretionary permits and would be required to comply with all applicable General Plan policies in place to minimize GHG impacts. For example, General Plan Policies AQ 1.1-1.4 and 1.7 would help reduce GHG emissions by encouraging regional coordination on air quality management. Policies AQ 3.2, 3.4 and 10.1-10.4 would promote the use of employer-based policies for encouraging carpooling and transit use. Policies AQ 5.2 and 5.4 would encourage increased building efficiency in buildings. Policies AQ 5.1 and 8.4-8.9 would encourage land use patterns that reduce single-occupancy vehicle trips. Policy AQ 13.1 would encourage expansion of the County's alternative fuel fleet. Additionally, General Plan Policies AQ 4.1, 4.2, 4.4, 5.2 and 5.4 would encourage increased energy efficiency for buildings. General Plan Policies AQ 21.1-21.4, 22.1, 23.1, 23.2, 24.1, 24.2, 25.1-25.3, 26.1, 26.2, 27.1, 27.2, 28.1, 28.2 and 29.1 through 29.4 would specifically address GHG emissions by reducing vehicle miles traveled, improving energy efficiency, reducing energy consumption, and increasing renewable energy generation.

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.

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

⁶ The California Air Pollution Control Officers Association, Quantifying Greenhouse Gas Mitigation Measures (August 2010) identifies that higher density housing and local serving uses such as those facilitated by the proposed project have an improved location efficiency and reduce vehicle miles traveled which reduces fuel consumption.



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.

Mitigation Measures:

GHG-1 To ensure GHG emissions resulting from new development are reduced to levels necessary to meet California State targets, the County of Riverside shall require all new discretionary development to comply with the Implementation Measures of the Riverside County Climate Action Plan..

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. The point values within the Climate Action Plan's Screening Tables constitute GHG emission reductions.

Level of Significance: Significant and Unavoidable Impact.

CONSISTENCY WITH APPLICABLE GHG PLANS, POLICIES OR REGULATIONS

GHG-2 IMPLEMENTATION OF THE PROPOSED PROJECT COULD CONFLICT WITH AN APPLICABLE GREENHOUSE GAS REDUCTION PLAN, POLICY, OR REGULATION.

Impact Analysis

As discussed in Impact Statement AQ-1, operational GHG emissions associated with the project would substantially exceed the established significance criteria. However, future development within the project area would be able to achieve emissions reductions based on the considerations discussed below.

- Future legislative actions and policies provided in CARB's Scoping Plan would be responsible for guiding GHG reductions for new development in accordance with State goals;
- Future development would be required to comply with the County's CAP;
- Future development would increase local transit access and would help reduce mobile sources of local GHG emissions; and
- Project buildout would be consistent with State GHG Reduction Programs, as well as the regional RTP/SCS.

With the above conditions, the future development facilitated by the project area would demonstrate compliance with the State's GHG reduction targets, which would help reduce potential GHG emissions generated by development within the project area.



4.8 Greenhouse Gas Emissions

As discussed, the project facilitates future development through proposed land use and policy changes. Although overall operational GHG emissions associated with project buildout would exceed applicable Scoping Plan thresholds, future developments within the project area would be required to undergo project-specific CEQA review, including analysis of potential operational GHG emissions. Any additional necessary mitigation would be identified at the time of the development application and would be guided by the Scoping Plan's policies and strategies, which would result in future emissions reductions.

Riverside County Climate Action Plan

The County's CAP (revised in November 2019) contains guidance on the County's GHG Inventory reduction goals, thresholds, policies, guidelines, and implementation programs. In particular, the CAP elaborates on the General Plan goals and policies relative to the GHG emissions and provides a specific implementation tool to guide future County decisions. The CAP includes a series of Implementation Measures that address various steps to reduce the County's GHG emissions. By implementing the CAP, the County is able to determine that projects that are consistent with the CAP would not have significant GHG-related impacts. Coordination with CARB, SCAQMD, and the State Attorney General's office ensures that the CAP's inventories and reduction strategies adequately address the County's emissions.

The CAP, which was prepared in accordance with SCAQMD, identifies a two-step approach in evaluating GHG emissions. First, a screening threshold of 3,000 MTCO_{2e} per year is used to determine if additional analysis is required. Projects that exceed the 3,000 MTCO_{2e} per year are required to quantify and disclose the anticipated GHG emissions then either 1) demonstrates GHG emissions at project buildout year levels of efficiency and includes project design features and/or mitigation measures to reduce GHG emissions or 2) garner 100 points through the Screening Tables. Projects that garner at least 100 points (equivalent to an approximate 49 percent reduction in GHG emissions) are determined to be consistent with the reduction quantities anticipated in the County's GHG Technical Report, and consequently would be consistent with the CAP Update.

As discussed, the project facilitates future development through proposed land use and policy changes. It is noted that future development within the project area would undergo CEQA review and individual development projects would be required to evaluate consistency with the CAP using either the screening threshold or garnering 100 points on the Screening Tables (Mitigation Measure GHG-1 and GHG-2). Consistent with State CEQA Guidelines Section 15183.5, such projects would be determined to have a less than significant individual and cumulative impact for GHG emissions. Further, the CAP's Implementation Measures would be incorporated as mitigation for new development. The General Plan EIR anticipates that the CAP would reduce emissions by 4.23 MMTCO_{2e}, which is a 25 percent decrease in emissions from new development.

SCAG RTP/SCS Consistency

Under SB 375, the SCAG Connect SoCal (2020-2045 RTP/SCS) sets forth transportation and land use strategies to achieve CARB's GHG reduction targets. Consistent with SCAG's Connect SoCal integration of transportation and land use strategies, the project would accommodate



projected increases in travel demand by implementing smart land use strategies that include redeveloping underutilized sites. The project would encourage alternative modes of transportation by facilitating development opportunities for greater housing variety and density including workforce housing and veterans housing, as well as reducing distances between housing, workplaces, commercial uses, and other amenities and destinations. The project would also facilitate a sustainable multi-modal transportation network that includes walkable, bicycle-friendly environments with increased accessibility via transit, resulting in reduced transportation costs. Therefore, the types of development patterns facilitated by the project would reduce VMT, promote walkability, and contribute to a jobs/housing balance.

The SCAG 2020-2045 RTP/SCS is forecast to help California reach its GHG reduction goals by reducing GHG emissions from passenger cars by 8 percent below 2005 levels by 2020 and 19 percent by 2035 in accordance with the most recent CARB targets adopted in March 2018. Five key SCS strategies are included in the 2020-2045 RTP/SCS to help the region meet its regional VMT and GHG reduction goals, as required by the State. Table 4.8-2, Consistency with the 2020-2045 RTP/SCS shows the project’s consistency with these five strategies found within the 2020-2045 RTP/SCS. As shown therein, the proposed project would be consistent with the GHG emission reduction strategies contained in the 2020-2045 RTP/SCS.

Table 4.8-2: Consistency with the 2020-2045 RTP/SCS

Reduction Strategy	Project Consistency Analysis
Focus Growth Near Destinations and Mobility Options	
<ul style="list-style-type: none"> • Emphasize land use patterns that facilitate multimodal access to work, educational and other destinations • Focus on a regional jobs/housing balance to reduce commute times and distances and expand job opportunities near transit and along center-focused main streets • Plan for growth near transit investments and support implementation of first/last mile strategies • Promote the redevelopment of underperforming retail developments and other outmoded nonresidential uses • Prioritize infill and redevelopment of underutilized land to accommodate new growth, increase amenities and connectivity in existing neighborhoods • Encourage design and transportation options that reduce the reliance on and number of solo car trips (this could include mixed uses or locating and orienting close to existing destinations) • Identify ways to “right size” parking requirements and promote alternative parking strategies (e.g. shared parking or smart parking) 	<p>Consistent. The project would encourage transportation options through compliance with all applicable Title 24 and CALGreen building codes at the time of construction. The current CALGreen Code and Title 24 standards require electric vehicle (EV) charging stations, designated EV parking spaces, as well as bike parking and storage. Additionally, multiple bus stops are currently located within the project area which helps promote alternative modes of transportation. Therefore, the project would focus growth near destinations and mobility options.</p>
Promote Diverse Housing Choices	
<ul style="list-style-type: none"> • Preserve and rehabilitate affordable housing and prevent displacement • Identify funding opportunities for new workforce and affordable housing development • Create incentives and reduce regulatory barriers for building context sensitive accessory dwelling units to increase housing supply • Provide support to local jurisdictions to streamline and lessen barriers to housing development that supports reduction of greenhouse gas emissions 	<p>Consistent. The proposed project allows for a variety of housing types.</p>



Table 4.8-2: Consistency with the 2020-2045 RTP/SCS, continued

Reduction Strategy	Project Consistency Analysis
Leverage Technology Innovations	
<ul style="list-style-type: none"> Promote low emission technologies such as neighborhood electric vehicles, shared rides hailing, car sharing, bike sharing and scooters by providing supportive and safe infrastructure such as dedicated lanes, charging and parking/drop-off space Improve access to services through technology—such as telework and telemedicine as well as other incentives such as a “mobility wallet,” an app-based system for storing transit and other multi-modal payments Identify ways to incorporate “micro-power grids” in communities, for example solar energy, hydrogen fuel cell power storage and power generation 	<p>Consistent. Specific developments allowed under the proposed project would be required to comply with all applicable CALGreen and Title 24 standards at the time of construction. The current CALGreen and Title 24 standards require EV charging stations, designated EV parking, designated carpool and/or alternative-fueled vehicles parking, as well as bike parking and storage.</p>
Support Implementation of Sustainability Policies	
<ul style="list-style-type: none"> Pursue funding opportunities to support local sustainable development implementation projects that reduce greenhouse gas emissions Support statewide legislation that reduces barriers to new construction and that incentivizes development near transit corridors and stations Support local jurisdictions in the establishment of Enhanced Infrastructure Financing Districts (EIFDs), Community Revitalization and Investment Authorities (CRIAs), or other tax increment or value capture tools to finance sustainable infrastructure and development projects, including parks and open space Work with local jurisdictions/communities to identify opportunities and assess barriers to implement sustainability strategies Enhance partnerships with other planning organizations to promote resources and best practices in the SCAG region Continue to support long range planning efforts by local jurisdictions Provide educational opportunities to local decision makers and staff on new tools, best practices and policies related to implementing the Sustainable Communities Strategy 	<p>Consistent. As described above, the specific developments under the proposed project would support multiple transit options. Future site-specific development proposals would be required to implement sustainable design features in accordance with CALGreen and Title 24 standards.</p>
Promote a Green Region	
<ul style="list-style-type: none"> Support development of local climate adaptation and hazard mitigation plans, as well as project implementation that improves community resiliency to climate change and natural hazards Support local policies for renewable energy production, reduction of urban heat islands and carbon sequestration Integrate local food production into the regional landscape Promote more resource efficient development focused on conservation, recycling and reclamation Preserve, enhance and restore regional wildlife connectivity Reduce consumption of resource areas, including agricultural land Identify ways to improve access to public park space 	<p>Consistent. Specific developments under the proposed project would be required to comply with all applicable Title 24 and CALGreen standards, which would help reduce energy consumption and reduce GHG emissions.</p>
<p><small>Southern California Association of Governments Sustainable Communities Strategy – Connect SoCal, September 3, 2020.</small></p>	



As such, the project is consistent with several Connect SoCal goals including reducing GHG emissions and improving air quality (Goal 5), supporting equitable communities (Goal 6), and encouraging development of diverse housing types in areas that are supported by multiple transportation options (Goal 9). The project objectives of creating a sustainable multi-modal transportation network also support an integrated regional development pattern and transportation network (Goal 7). Connect SoCal promotes reducing the reliance of vehicle trips by providing more housing and job opportunities. The project would facilitate residential development consistent with Connect SoCal's goals of reducing GHG emissions, supporting equitable communities, and supporting diverse housing. Future development within the project area would be subject to the most current CALGreen code requirements for building efficient standards and Riverside County Ordinances development standards.

California Air Resource Board Scoping Plan Consistency

The 2017 Scoping Plan identifies how the State can achieve the SB 32 2030 climate target to reduce GHG emissions by 40 percent from 1990 levels, and “substantially advance” toward the EO S-3-05 2050 climate goal to reduce GHG emissions by 80 percent below 1990 levels by 2050. The Scoping Plan incorporates, coordinates, and leverages many existing and ongoing GHG reduction efforts and identifies new policies and actions to accomplish the State's climate goals.

Table 4.8-3, *Project Consistency with Applicable CARB Scoping Plan Measures*, contains a list of GHG-reducing strategies that are included in the 2017 Scoping Plan and are potentially applicable to the project. The analysis demonstrates the project's consistency with these strategies that support the State's strategies in the Climate Change Scoping Plan to reduce GHG emissions. The Climate Change Scoping Plan relies on a broad array of GHG reduction actions, which include direct regulations, alternative compliance mechanisms, incentives, voluntary actions, and market-based mechanisms such as the Cap-and-Trade Program. As shown below, future development facilitated by the project is anticipated to implement design features and characteristics to reduce energy, conserve water, reduce waste generation, and reduce vehicle travel consistent with statewide strategies and regulations. As a result, the project would not conflict with applicable Climate Change Scoping Plan strategies and regulations to reduce GHG emissions.



Table 4.8-3: Project Consistency with Applicable CARB Scoping Plan Measures

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
Transportation	California Cap-and-Trade Program Linked to Western Climate Initiative	Regulation for the California Cap on GHG Emissions and Market-Based Compliance Mechanism October 20, 2015 (CCR 95800)	Consistent. The Cap-and-Trade Program applies to large industrial sources such as power plants, refineries, and cement manufacturers. However, the regulation indirectly affects people who use the products and services produced by these industrial sources when increased cost of products or services (such as electricity and fuel) are transferred to the consumers. The Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, generated in-State or imported. Accordingly, GHG emissions associated with CEQA projects' electricity usage such as are anticipated under the proposed project are covered by the Cap-and-Trade Program. The Cap-and-Trade Program also covers fuel suppliers (natural gas and propane fuel providers and transportation fuel providers) to address emissions from such fuels and combustion of other fossil fuels not directly covered at large sources in the Program's first compliance period. Therefore, the project would be consistent with this measure.
	California Light-Duty Vehicle GHG Standards	Pavley I 2005 Regulations to Control GHG Emissions from Motor Vehicles Pavley I 2005 Regulations to Control GHG Emissions from Motor Vehicles	Consistent. This measure applies to all new vehicles starting with model year 2012. The project would not conflict with its implementation as it would apply to all new passenger vehicles purchased in California. Passenger vehicles, model year 2012 and later, associated with the future development's construction and operations would be required to comply with the Pavley emissions standards.
		2012 LEV III California GHG and Criteria Pollutant Exhaust and Evaporative Emission Standards	Consistent. The LEV III amendments provide reductions from new vehicles sold in California between 2017 and 2025. Passenger vehicles associated with future development would comply with LEV III standards.
	Low Carbon Fuel Standard	2009 readopted in 2015. Regulations to Achieve GHG Emission Reductions Subarticle 7. Low Carbon Fuel Standard CCR 95480	Consistent. This measure applies to transportation fuels utilized by vehicles in California. The project would not conflict with implementation of this measure. Motor vehicles associated with future development's construction and operation would utilize low carbon transportation fuels as required under this measure.
	Regional Transportation-Related GHG Targets.	SB 375. Cal. Public Resources Code Section 21155, 21155.1, 21155.2, 21159.28	Consistent. The project would provide development in the region that is consistent with the growth projections in the RTP/SCS.
	Goods Movement	Goods Movement Action Plan January 2007	Not Applicable. The project does not propose any changes to maritime, rail, or intermodal facilities or forms of transportation.



Table 4.8-3: Project Consistency with Applicable CARB Scoping Plan Measures, continued

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
	Medium/Heavy-Duty Vehicle	2010 Amendments to the Truck and Bus Regulation, the Drayage Truck Regulation and the Tractor-Trailer GHG Regulation	Consistent. This measure applies to medium and heavy-duty vehicles that operate in the State. The project would not conflict with implementation of this measure. Medium and heavy-duty vehicles associated with the future development’s construction and operation would be required to comply with the requirements of this regulation.
	High Speed Rail	Funded under SB 862	Not Applicable. This is a statewide measure that cannot be implemented by a project applicant or Lead Agency.
Electricity and Natural Gas	Energy Efficiency	Title 20 Appliance Efficiency Regulation	Consistent. The project would not conflict with implementation of this measure. Future development would comply with the latest energy efficiency standards.
		Title 24 Part 6 Energy Efficiency Standards for Residential and Non-Residential Building	
		Title 24 Part 11 California Green Building Code Standards	
	Renewable Portfolio Standard/Renewable Electricity Standard.	2010 Regulation to Implement the Renewable Electricity Standard (33% 2020)	Consistent. Future development facilitated by the project would obtain electricity from the electric utility, Southern California Edison (SCE). SCE obtained 36 percent of its power supply from renewable sources in 2018. Therefore, the utility would provide power when needed on site that is composed of a greater percentage of renewable sources.
	Million Solar Roofs Program	SB 350 Clean Energy and Pollution Reduction Act of 2015 (50% 2030)	
Million Solar Roofs Program	Tax Incentive Program	Consistent. This measure is to increase solar throughout California, which is being done by various electricity providers and existing solar programs. The program provides incentives that are in place at the time of construction. Because this incentive program would be available to future development, the project would be consistent with this measure.	
Water	Water	Title 24 Part 11 California Green Building Code Standards	Consistent. Future development would comply with the CalGreen standards, which require a 20 percent reduction in indoor water use. Future development would also comply with the County’s Water-Efficient Landscaping Requirements (Ordinance No. 859).
		SBX 7-7—The Water Conservation Act of 2009	
		Model Water Efficient Landscape Ordinance	

**Table 4.8-3: Project Consistency with Applicable CARB Scoping Plan Measures, continued**

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
Green Buildings	Green Building Strategy	Title 24 Part 11 California Green Building Code Standards	Consistent. The State is to increase the use of green building practices. Future development would implement required green building strategies through existing regulations that require future developments to comply with various CalGreen requirements. The project includes sustainability design policies that support the Green Building Strategy.
Industry	Industrial Emissions	2010 CARB Mandatory Reporting Regulation	Not applicable. The Mandatory Reporting Regulation requires facilities and entities with more than 10,000 MTCO _{2e} of combustion and process emissions, all facilities belonging to certain industries, and all electric power entities to submit an annual GHG emissions data report directly to CARB. As discussed above, the project involves residential and commercial uses and would not include facilities with combustion and process emissions. Therefore, this regulation would not apply.
Recycling and Waste Management	Recycling and Waste	Title 24 Part 11 California Green Building Code Standards	Consistent. The project would not conflict with implementation of these measures. Future development is required to achieve the recycling mandates via compliance with the CALGreen code. The County has consistently achieved its State recycling mandates.
		AB 341 Statewide 75 Percent Diversion Goal	
Forests	Sustainable Forests	Cap and Trade Offset projects	Not applicable. The project is not located in a forested area.
High Global Warming Potential	High Global Warming Potential Gases	CARB Refrigerant Management Program CCR 95380	Not applicable. The regulations are applicable to refrigerants used by large air conditioning systems and large commercial and industrial refrigerators and cold storage system. The project would not conflict with the refrigerant management regulations adopted by CARB.
Agriculture	Agriculture	Cap and Trade Offset projects for Livestock and Rice Cultivation	Not applicable. No grazing, feedlot, or other agricultural activities that generate manure occur currently exist on-site or are proposed to be implemented by the project.
Source: California Air Resources Board, <i>California's 2017 Climate Change Scoping Plan</i> , November 2017 and CARB, <i>Climate Change Scoping Plan</i> , December 2008.			

As noted in [Section 4.14, *Population and Housing*](#), the project anticipates development of an additional 12,329 DU within the project area, including 9,750 DU within the Winchester Policy Area and 2,579 DU within the Highway 79 Policy Area, overall. The project also anticipates an approximately 7,529,664 SF decrease in non-residential land uses in the Winchester Policy Area.

Project consistency with population growth projections is one of the criteria for determining consistency with GHG reduction plans. Although the project would directly increase population through housing development, it would also directly decrease population through development of less employment-generating land uses. As discussed in [Section 4.14](#), project implementation would not conflict with County or regional population growth projections. As noted above, future



4.8 Greenhouse Gas Emissions

development would adhere to CALGreen standards, would reduce VMT by creating a sustainable multi-modal transportation network that includes walkable, bicycle-friendly environments with increased accessibility via transit, and would be consistent with appropriate CAP measures. Therefore, the project would be consistent with the emissions reduction targets set by the CAP.

Future development would achieve the latest Building Energy Efficiency Standards and would be constructed in conformance with the latest CALGreen, which requires high-efficiency water fixtures for indoor plumbing and water-efficient irrigation systems that would improve energy efficiency. Future development would comply with Title 24 Energy Efficiency standards and SB X7-7, which require California to achieve a 20 percent reduction in urban per capita water use by 2020.

The County has no control over vehicle emissions (approximately 74 percent of the project's total emissions). However, SCAG's 2020 RTP/SCS (Connect SoCal) is also expected to help California reach its GHG reduction goals, with reductions in per capita transportation emissions of 19 percent by 2035.⁷ As noted above, the types of development patterns facilitated by the project would promote walkability, and contribute to a jobs/housing balance and reduce VMT. Higher density housing and local serving uses reduce the need to travel long distances for some residents, thereby reducing associated GHG emissions.

Additionally, approximately 94 percent of the project's emissions would be from energy and mobile sources, which would be further reduced by the 2017 Scoping Plan measures, including the reduction in the carbon content of fuels, CARB's advanced clean car program, CARB's mobile source strategy, fuel efficiency standards, cleaner technology, fleet turnover, continued implementation of the Renewable Portfolio Standard, and extension of the Cap-and-Trade program.

CARB Scoping Plan Appendix B lists potential actions that support the State's climate goals. However, the Scoping Plan notes that the actions' applicability and performance may vary across the regions. The document is organized into two categories (A) examples of plan-level GHG reduction actions that could be implemented by local governments and (B) examples of on-site project design features, mitigation measures that could be required of individual projects under CEQA, if feasible, when the local jurisdiction is the Lead Agency.

The Scoping Plan's construction measures include enforcing idling time restrictions on construction vehicles and requiring construction vehicles to operate highest tier engines commercially available. The County's General Plan includes policies (e.g., Policy AQ 16.3 and Policy AQ 20.22) concerning construction and operations that align with the Scoping Plan. For example, General Plan Policy AQ 16.3 requires the adoption of regulations or incentives to limit the amount of time trucks may idle. Policy AQ 20.22 requires motorist education programs on reducing VMT, idling and vehicle maintenance, while increasing carpooling and public transit usage. Riverside County Ordinances No. 706, 726, 782 and 824 minimize GHG impacts by

⁷ SCAG, *Connect SoCal, the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy of the Southern California Association of Governments*, adopted on September 3, 2020.



reducing motor vehicle emissions through the reduction of VMT, vehicle idling times and by increasing vehicle fuel efficiencies.

The County's General Plan and CAP policies and implementation measures include most of the feasible operational measures listed in Scoping Plan Appendix B. Several of the recommended operational measures include the following, which are also implemented by the General Plan and CAP:

- Electric vehicle (EV) charging stations (General Plan Policies 20.5 and 20.6, and CAP Measure R2-T4);
- Providing bicycle parking (General Plan Policy C 17.3 and CAP Measure R2-T3);
- Creating on- and off-site safety improvements for bike, pedestrian, and transit connections (General Plan Policies LU 11.4, LU 13.1, C 1.7, C 17.4, OS 16.8, AQ 10.3, AQ 14.1, AQ 20.1, and AQ 22.1, and CAP Measures R2-T1 and R2-T2);
- Prohibiting wood-burning fireplaces (required by SCAQMD Rule 445);
- Requiring solar panels (Policies AQ 20.18, 20.21, AQ 26.1, AQ 28.1, and CAP Measure R2-CE1);
- Low-water landscaping (Policies AQ 20.14, OS 2.2, LU 4.1, County Ordinance No. 859, and CAP Measure R2-W2);
- Energy-conserving appliances (Policy AQ 4.2 and CAP Measure R2-EE2); and
- Low-flow toilets and faucets (Policies LU 1.5 and 4.1 and CAP Measure R2-W2).

As indicated above, GHG reductions are also achieved as a result of State of California energy and water efficiency requirements for new residential developments. These efficiency improvements correspond to reductions in secondary GHG emissions. For example, in California, most of the electricity that powers homes is derived from natural gas combustion. Therefore, energy-saving measures, such as Title 24, reduces GHG emissions from the power generation facilities by reducing load demand.

Future development facilitated by the project would be subject to discretionary permits and would be required to comply with existing regulations, including applicable measures from the County's CAP and General Plan policies, or would be directly affected by the outcomes (vehicle trips and energy consumption would be less carbon-intensive due to statewide compliance with future low carbon fuel standard amendments and increasingly stringent Renewable Portfolio Standards). As such, the project would not conflict with any other state-level regulations pertaining to GHGs.

Regarding goals for 2050 under EO S-3-05, at this time it is not possible to quantify the emissions savings from future regulatory measures, as they have not yet been developed; nevertheless, it can be anticipated that operation of future development projects would benefit from the implementation of current and potential future regulations (e.g., improvements in vehicle emissions, SB 100/renewable electricity portfolio improvements, CARB's Mobile Source Strategy, etc.) enacted to meet an 80 percent reduction below 1990 levels by 2050.



Due to the magnitude of the overall project emissions, despite the implementation of CAP measures, General Plan Policies, Mitigation Measures GHG-1 and GHG-2, and applicable regulations, it is uncertain that future development projects could be reduced to less than significant levels. Therefore, despite consistency with the County's CAP measures and other applicable regional and statewide regulations, it is uncertain that the project would meet the emission reduction targets set by the CAP. Impacts would be significant and unavoidable in this regard.

Mitigation Measures: Refer to Mitigation Measures GHG-1 and GHG-2.

Level of Significance: Significant and Unavoidable Impact.

4.8.5 SIGNIFICANT UNAVOIDABLE IMPACTS

Despite consistency with the policies and initiatives of the County's General Plan and CAP, Riverside County Ordinances, State GHG Reduction Programs, and RTP/SCS, project implementation would result in a substantial increase of GHG emissions that would exceed the established significance criteria. This is considered a significant and unavoidable impact.



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4.9 HAZARDS AND HAZARDOUS MATERIALS

The purpose of this section is to describe the existing regulatory setting and environmental conditions concerning hazards (other than geologic, flood, and wildfire hazards) and hazardous materials associated with the project area, identify potential impacts that could result from project implementation, and as necessary, recommend mitigation to avoid or reduce the significance of impacts.

Information in this section is based primarily on the following sources, which include regulatory database searches to identify hazardous material regulated facilities on or near the project area.

Information in this section is based primarily:

- County of Riverside General Plan
- Riverside County Ordinances
- Department of Toxic Substances Control (DTSC)'s Envirostor Database
- State Water Resources Control Board's Geotracker w Database
- Riverside County Airport Land Use Commission (ALUC) Airport Compatibility Plans

4.9.1 EXISTING SETTING

Hazardous material includes any material that, because of its quantity, concentration, or physical, chemical, or biological characteristics, poses a considerable present or potential hazard to human health or safety, or to the environment. It refers generally to hazardous chemicals, radioactive materials, and biohazards materials. Hazardous waste, a subset of hazardous material, is material that is to be abandoned, discarded, or recycled, and includes chemicals, radioactive, and bio-hazardous waste (including medical waste). The primary difference between hazardous materials and hazardous wastes is that hazardous materials are produced for specific uses whereas hazardous wastes are the byproducts of various processes.

Hazardous materials are classified based on the form of hazard(s) they pose: flammable, combustible, poisonous, and/or radioactive. Hazardous wastes are classified by the U.S. EPA through a listing process. *Listed wastes* are those wastes that the U.S. EPA has formally found to be hazardous. *Characteristic wastes* are those that have not formally been listed but exhibit hazardous features. *Universal wastes* are common hazardous wastes that are not industry-specific but can be found in many types of businesses, institutions, and households. *Mixed wastes* are those that are both hazardous and radioactive. Hazardous wastes are also classified by the type of hazard(s) they pose, similar to hazardous materials. Hazardous wastes may be ignitable, corrosive, reactive, toxic, or radioactive.

Hazardous material use is common in construction and operations of all types of development, including industrial, commercial, and residential uses. Hazardous materials are used in the County for various purposes including manufacturing, service industries, small businesses,



agriculture, medical clinics, schools, and households. Hazardous materials also pass through the County on their way to other destinations via freeway, rail, and the surface street system. However, the County has no direct authority to regulate hazardous materials transport on State highways or rail lines. Caltrans regulates the transport of hazardous materials by truck and rail. Caltrans regulations establish criteria for safe handling procedures. The DTSC also regulates hazardous waste hauling.

The County works with the Riverside County Sheriff's Department, and the California Highway Patrol to monitor the ground transportation system for hazardous conditions. Identified safety problems are handled by the appropriate agency (e.g., Caltrans, Riverside Transit Authority, Riverside County Public Works Department) to take corrective measures.

PROJECT AREA REGULATORY PROPERTIES

A regulatory database search was performed of the SWRCB Geotracker website¹ and the DTSC Envirostor website² to identify hazardous materials regulated facilities within the project area.

Table 4.9-1, *Geotracker Database Listed Sites*, lists the Geotracker database listed sites that occur within the project area. All sites except one (i.e., Temecula Bombing Target No. 2) listed on the Geotracker database are leaking underground storage tank (LUST) sites that have received a "No Further Action." A UST site qualifies to receive a No Further Action (closure) letter once the owner or operator meets all appropriate corrective action requirements.³ The Temecula Bombing Target No. 2 site's status is "Open – Inactive," which indicates the site has not received closure by the RWQCB. In 1945, the Eleventh Naval Division briefly used Temecula Bombing Target No. 2 site for a dive-bombing target, a skip target, and strafing target.⁴ At the end of 1945, the site was reverted to agricultural use until 1999 when it was set aside under a California Department of Fish and Game conservation easement. In 2000, Pacific Bay Homes (property owner at the time) hired an unexploded ordnance (UXO) contractor to conduct a UXO investigation and removal on the property. The contractor identified and excavated ordnance- and explosives-related debris, but no UXO was found on the property. Approximately one-half of the property is currently developed with residential and retail commercial uses, while the remainder of the property is vacant and fenced for conservation purposes under the Skunk Hollow Preserve.

¹ State Water Resources Control Board, Geotracker, <http://geotracker.waterboards.ca.gov/>, accessed October 29, 2021.

² Department of Toxic Substances and Control (DTSC), Envirostor, <http://www.envirostor.dtsc.ca.gov/public/>, accessed October 29, 2021.

³ State Water Resources Control Board, *Performance Report*, https://www.waterboards.ca.gov/about_us/performance_report_1516/cleanup/41112_tanks_petro_active_rem.shtml, accessed May 2021.

⁴ Parsons, *Final Technical Project Planning Memorandum & Associated Documentation for the Temecula Bombing Target No. 2 Site*.

**Table 4.9-1: Geotracker Database Listed Sites**

Site Name	Site Type	Status	Address
Circle K#346	LUST	Case Closed – No Further Action	31770 Highway 74
Uni Mart	LUST	Case Closed – No Further Action	31880 Highway 74
Arco #5750	LUST	Case Closed – No Further Action	33440 Highway 74
Tesoro (USA) #68168	LUST	Case Closed – No Further Action	39055 Winchester Road
Temecula Bombing Target No. 2	Military Privatized Site	Open - Inactive	Pourroy Road
MWD Lake Skinner Work Area 7	LUST	Case Closed – No Further Action	33740 Borel Road
MWD Lake Skinner Work Area 6	LUST	Case Closed – No Further Action	33740 Borel Road
MWD Lake Skinner LS-1005	LUST	Case Closed – No Further Action	33740 Borel Road
Lake Skinner Filtration Plant	LUST	Case Closed – No Further Action	33740 Borel Road

Source: State Water Resources Control Board, GeoTracker, <http://geotracker.waterboards.ca.gov/>, accessed October 29, 2021.

SCHOOL SITES

Table 4.9-2, *Schools Within or Near To Project Area*, lists school sites that are within the project area or within 0.25-mile of the project area.

Table 4.9-2: Schools Within or Near To Project Area

Site Name	Address
Winchester Elementary School	28751 Winchester Road
Liberty High School	32255 Leon Road
Susan LaVorgna Elementary	31777 Algarve Avenue
Temecula Preparatory School	35777 Abelia Street
Temecula Valley Charter School	35755 Abelia Street
Home INstead Innovation Academy	35780 Abelia Street
Bella Vista Middle School	31650 Browning Street
Nicolas Valley Elementary School	39600 N General Kearny Road
Harvest Hillsteam Academy	31600 Pat Road
Alamos Elementary School	31650 Browning Street
Lisa J. Mails Elementary School	35185 Briggs Road
Dorothy McElhinney Middle School	35125 Briggs Road
French Valley Elementary School	36680 Cady Road
Within 0.25-mile of Project	
Ethan A. Chase Middle School	28100 Calm Horizon Drive
Heritage High School	26001 Briggs Road
Harvest Valley Elementary School	29955 Watson Road

Source: Google Earth Imagery 2021.

HAZARDOUS MATERIALS

The California Code of Regulations (CCR) defines hazardous materials as substances with certain physical properties that could pose a substantial present or future hazard to human health or the environment when handled, disposed, or otherwise managed improperly. Hazardous materials are grouped into the following four categories, based on their properties:



4.9 Hazards and Hazardous Materials

- Toxic – causes human health effects
- Ignitable – has the ability to burn
- Corrosive – causes severe burns or damage to materials
- Reactive – causes explosions or generates toxic gases

A hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. The criteria that define a material as hazardous also define a waste as hazardous. If handled, disposed, or otherwise handled improperly, hazardous materials and hazardous waste can result in public health hazards if released into the soil or groundwater or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous material constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer. California Code of Regulations Title 22, §§ 66261.20-24 contain technical descriptions of toxic characteristics that could cause soil or groundwater to be classified as hazardous waste.

Because the project does not propose any development but facilitates future residential development consistent with State and local regulations, site-specific surveys to determine the presence or absence of hazardous materials within the project area have not been conducted.

ASBESTOS-CONTAINING MATERIALS

Asbestos, a natural fiber used in the manufacturing of different building materials, has been identified as a human carcinogen. Most friable (i.e., easily broken or crushed) asbestos-containing materials (ACM) were banned in building materials by 1978. By 1989, most major manufacturers had voluntarily removed non-friable ACM (i.e., flooring, roofing, and mastics/sealants) from the market. These materials, however, were not banned completely. The project area includes existing development from and prior to 1978; therefore, the presence of ACM is likely in some structures.

LEAD-BASED PAINTS

Lead-based paint has been identified by OSHA, the U.S. EPA, and the Department of Housing and Urban Development (HUD) as a potential health risk to humans, particularly children, based on its effects to the central nervous system, kidneys, and bloodstream. The Department of Housing and Urban Development classifies the risk of lead-based paint based upon the painted surface's age and condition. The project area includes existing development from and prior to the 1960s; therefore, the presence of lead-based paint is likely in some structures.

AIRPORT HAZARDS

There is one private airport within the project area: the French Valley Airport, located at 37600 Sky Canyon Drive. There are two other airports located outside of the project area but with airport influence areas that extend into the project area. The March Air Reserve Base is at 363 Graeber Street, approximately 10 miles northwest of the project area. The Hemet-Ryan Airport is at 4710 West Stetson Avenue, approximately 1.0 mile east of the project area. The Airport Influence Area boundaries for all three airports are shown in [Exhibit 4.9-1, *Airport Influence Area Boundaries*](#).



The basic criteria for assessing whether a land use plan, ordinance, or development proposal is to be judged compatible with a nearby airport are set forth in the Basic Compatibility Criteria matrix. Exhibit 4.9-2, *Basic Compatibility Criteria*, lists the population intensity and permitted/non-permitted uses, and the amount of required open space per Compatibility Zone.

French Valley Airport Compatibility Plan

As shown in Exhibit 4.9-3, *French Valley Airport Compatibility Plan*, the southern portion of the project falls within Compatibility Plan Zones A, B, C, D and E and therefore would be subject to the following guidelines:

Industrial /Commercial Area: The following usage intensity and criteria shall apply:

Compatibility Zone A

All structures prohibited except for ones with location set by aeronautical function.

Compatibility Zone B1

- (1) An average of 40 people per acre shall be allowed on a site, and up to 80 people shall be allowed to occupy any site.
- (2) If the percentage of qualifying open land on the site is increased from 30 percent to at least 35 percent, the site shall be allowed to have an average of up to 45 people per acre, and any single acre shall be allowed to have up to 90 people per acre.
- (3) If the percentage of qualifying open land on the site is increased to 40 percent or more, the site shall be allowed to have an average of up to 50 people per acre, and any single acre shall be allowed to have up to 100 people per acre.

Compatibility Zone B2

- (1) Any nonresidential building in Compatibility Zone B2 at French Valley Airport may have up to three aboveground habitable floors, provided that no such building or attachments thereto shall penetrate the airspace protection surfaces defined for the airport in accordance with FAR Part 77.

Compatibility Zone C

- (1) An average of 80 people per acre shall be allowed on site, and up to 160 people shall be allowed to occupy any single acre of the site.
- (2) If the percentage of qualifying open land on the site is increased from 20 percent to at least 25 percent, the site shall be allowed to have an average of up to 90 people per acre, and any single acre shall be allowed to have up to 200 people per acre.

Compatibility Zone D

- (1) For non-residential intensities, an average of 150 people per acre shall be allowed on a site and up to 450 people shall be allowed to occupy any single acre of the site.



4.9 Hazards and Hazardous Materials

- (2) Residential densities shall be calculated on a “net” rather than “gross” basis. For the purposes of the Compatibility Plan, the net acreage of a project equals the overall developable area of the project site exclusive of permanently dedicated open lands or other open space required for environmental purposes.

Compatibility Zone E

No limit on population density or structural restrictions.

Hemet/Ryan Airport Compatibility Plan

As shown in Exhibit 4.9-4, *Hemet-Ryan Airport Compatibility Map*, the northeastern portion of the project falls within Compatibility Zones C, D and E and therefore would be subject to the following regulatory guidelines. In addition, Table 4.9-3, *Maximum Intensity Criteria*, establishes the maximum intensity of residents allowed per acre for the Compatibility Zones identified.

Table 4.9-3: Maximum Intensity Criteria

Compatibility Zone	Maximum Intensity (People/Acre)	
	Sitewide Average	Single Acre
C	100	300
D (West)*	200	800
E	No Limit (no change)	No Limit (no change)

Source: Riverside County Airport Land Use Compatibility Plan, Table 2A, Basic Compatibility Criteria
 Notes: ** The dividing line between Zone D (West) and Zone D (East) is Cawston Avenue.

In addition to the land uses listed as prohibited in the Basic Compatibility Criteria matrix (Table 2A) of the countywide policies, the following uses shall be prohibited from being developed in the indicated Compatibility Zones B1, B2, and C regardless of their usage intensities: theaters, meeting halls and other assembly facilities, and stadiums.

Compatibility Zone C:

Westerly Area—Within the portion of Compatibility Zone C westerly of Compatibility Zone B2 and the western end of Runway 5-23, the open land areas depicted on Map HR-4 are deemed to satisfy the open land requirement for that portion of Compatibility Zone C. Therefore, individual land use development projects within this area are not required to provide additional open land.

Compatibility Zone D:

Compatibility Zone D is based on the permanent open land areas including some land in the adjacent portion of Compatibility Zone E, the open land requirement for Compatibility Zone D is deemed to be satisfied. Therefore, individual land use development projects within Compatibility Zone D are not required to provide additional open land.

Compatibility Zone E

No limit on population density or structural restrictions.



March Air Reserve Compatibility Plan

As shown in [Exhibit 4.9-5, *March Air Reserve Airport Compatibility Map*](#), the northeastern portion of the project falls within Compatibility Zone E. According to the March Air Reserve Compatibility plan, there are no limit on population density or structural restricts for Zone E.

4.9.2 REGULATORY SETTING

Hazardous materials and hazardous waste management is regulated by various Federal, State, and local agencies. Programs are administered through Federal agencies including the U.S. Environmental Protection Agency (U.S. EPA), and State agencies within the California Environmental Protection Agency (Cal EPA) including the California DTSC.

FEDERAL LEVEL

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) regulates the introduction of new or already existing chemicals (which are mostly grandfathered in). Chemicals not on a list (the TSCA Inventory) or subject to an exemption may not be manufactured or imported into the U.S. The US-EPA reviews all “new” chemicals (i.e., those not on the inventory) and regulates (or bans) those found to be an “unreasonable risk to human health or the environment.” The TSCA also addresses exposure to specific chemicals, or classes of chemicals, in various subchapters of the law, including asbestos, (indoor) radon levels, lead (such as in paints and toys), dioxin, hexavalent chromium and PCBs. It also bans the use of chlorofluorocarbons in manufacturing.

CERCLA

Congress enacted the Federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the Superfund Act, on December 11, 1980. This law (U.S. Code Title 42, Chapter 103) provides broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup when no responsible party can be identified. The U.S. EPA Superfund Information System does not list any hazardous or potentially hazardous sites being assessed pursuant to CERCLA within the project area (U.S. EPA, 2017a).

CERCLIS

The U.S. EPA also maintains the Comprehensive Environmental Response Compensation (CERCLIS) and Liability Information System list. This list contains sites that are either proposed to be or on the National Priorities List (NPL), as well as sites that are in the screening and assessment phase for possible inclusion on the NPL. The NPL is a list of the worst hazardous waste sites that have been identified by Superfund. There are no NPL sites within the project area.



Emergency Planning and Community Right-to-Know Act

The Federal Emergency Planning and Community Right-To-Know Act (EPCRA) was enacted to inform communities and residents of chemical hazards in their area. Businesses are required to report the locations and quantities of chemicals stored on-site to both State and local agencies. EPCRA requires the U.S. EPA to maintain and publish a digital database list of toxic chemical releases and other waste management activities reported by certain industry groups and Federal facilities. The Toxic Release Inventory tracks the management of certain toxic chemicals that may pose a threat to human health and environment. This database, known as the Toxic Release Inventory, gives the community more power to hold companies accountable for their chemical management.

Hazardous Materials Transportation Act

The U.S. Department of Transportation (DOT) receives authority to regulate the transportation of hazardous materials from the Hazardous Materials Transportation Act, as amended and codified (49 U.S.C. 5101 et seq.). The DOT is the primary regulatory authority for the interstate transport of hazardous materials and establishes regulations for safe handling procedures (i.e., packaging, marking, labeling and routing).

In California, § 31303 California Vehicle Code states that any hazardous material being moved from one location to another must use the route with the least travel time. This, in practice, means major roads and highways, although secondary roads are permitted to be used for local delivery. These policies are enforced by both the California Highway Patrol and the California Department of Transportation (Caltrans).

Resource Conservation and Recovery Act

Resource Conservation and Recovery Act (RCRA) Subtitle C (USC Title 42, Chapter 82) addresses hazardous waste generation, handling, transportation, storage, treatment and disposal. It includes requirements for a system that uses hazardous waste manifests to track the movement of waste from its site of generation to its ultimate disposition. Amendments to RCRA in 1984 created a national priority for waste minimization. Subtitle D establishes national minimum requirements for solid waste disposal sites and practices. It requires states to develop plans for the management of wastes within their jurisdictions. Subtitle I requires monitoring and containment systems for underground storage tanks that hold hazardous materials. Owners of tanks must demonstrate financial assurance for the cleanup of a potential leaking tank. In addition to specific materials produced by industry, hazardous wastes are often generated as by-products of industrial, manufacturing, agriculture and other uses. RCRA defines a hazardous waste as any solid, liquid or contained gaseous material that is disposed, incinerated or recycled. A hazardous material may also become hazardous waste through its accidental or inadvertent release into the environment. Both hazardous materials and hazardous waste pose potential risks to health, safety and welfare in the County of Riverside (County) if handled inappropriately. All hazardous waste must be discharged at a Class I facility; see *Riverside County Household Hazardous Waste Element* section below. Small-scale hazardous waste generators are businesses that generate less than 2,205 pounds (1,000 kilograms) of hazardous waste per month (that is, 13.23 tons per year). Most of the hazardous waste generators under the County's



purview are classified as small-quantity generators. Collectively, small businesses generate a very large portion of the hazardous waste produced in the County. This information is also a part of the U.S. EPA's TRI information provided by individual facilities, which documents the release and transfer of hazardous materials resulting from manufacturing processes. This database describes the type of hazardous material generated and the method of disposal, either through onsite release, offsite disposal or offsite recycling.

Occupational Safety and Health Administration

Congress passed the Occupational and Safety Health Act (OSHA) to ensure worker and workplace safety. Their goal was to make sure employers provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions. To establish standards for workplace health and safety, the OSHA also created the National Institute for Occupational Safety and Health (NIOSH) as the research institution for the Occupational Safety and Health Administration (OSHA). The Occupational Safety and Health Administration is a division of the U.S. Department of Labor that oversees the administration of the Act and enforces standards in all 50 States. OSHA standards are listed in Title 29 CFR Part 1910.

OSHA's Hazardous Waste Operations and Emergency Response Standard (HAZWOPER) applies to five groups of employers and their employees. This includes any employees who are exposed or potentially exposed to hazardous substances (including hazardous waste) and who are engaged clean-up operations; corrective actions; voluntary clean-up operations; operations involving hazardous wastes at treatment, storage, and disposal facilities; and emergency response operations.

Clean Water Act

The Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.) was enacted to restore and maintain the chemical, physical, and biological integrity of the waters of the United States. The CWA requires states to set standards to protect, maintain, and restore water quality through the regulation of point source and certain non-point source discharges to surface waters. Those discharges are regulated by the National Pollutant Discharge Elimination System (NPDES) permit process (CWA § 402). In California, NPDES permitting authority is delegated to, and administered by, the nine Regional Water Quality Control Boards (RWQCBs). The project area is within the jurisdiction of the Santa Ana RWQCB.

Clean Water Act § 402 authorizes the California State Water Resources Control Board (SWRCB) to issue NPDES General Construction Storm Water Permit (Water Quality Order 99-08-DWQ), referred to as the "General Construction Permit."

Construction activities can comply with and be covered under the General Construction Permit provided they:

1. Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants



from contacting stormwater and with the intent of keeping all products of erosion from moving off-site into receiving waters;

2. Eliminate or reduce non-stormwater discharges to storm sewer systems and other waters of the nation; and
3. Perform inspections of all BMPs.

NPDES regulations are administered by the RWQCB. Projects that disturb one or more acres are required to obtain NPDES coverage under the General Construction Permit.

STATE LEVEL

California Environmental Protection Agency

The California Environmental Protection Agency (CalEPA) has jurisdiction over hazardous materials and wastes at the State level. The DTSC is the department within CalEPA responsible for implementing and enforcing California's own hazardous waste laws, which are known collectively as the Hazardous Waste Control Law. The Department of Toxic Substances Control regulates hazardous waste in California primarily under the authority of the Federal RCRA and the California Health and Safety Code (HSC) (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Although similar to RCRA, the California Hazardous Waste Control Law and its associated regulations define hazardous waste more broadly and so regulate more chemicals. Hazardous wastes regulated by California but not by the U.S. EPA are called "non-RCRA hazardous wastes." Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. Government Code § 65962.5 (commonly referred to as the Cortese List) includes DTSC-listed hazardous waste facilities and sites, sites listed by the SWRCB as having leaking underground storage tanks and having or previously had discharges of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

For the County, the DTSC's enforcement of directives is handled at the local level, by the Riverside County Department of Environmental Health (RCDEH) Hazardous Materials Branch. The Santa Ana RWQCB also has the authority to implement regulations regarding the management of soil and groundwater investigation.

California Hazardous Waste Control Law

The Hazardous Waste Control Law (HWCL) (HSC, Division 20, Chapter 6.5, Article 2, § 25100, et seq.) is California's primary hazardous waste statute. The HWCL implements RCRA in the State as a "cradle-to-grave" waste management system. It specifies that generators have the primary duty to determine whether their wastes are hazardous and to ensure its proper management. The HWCL also establishes criteria for the reuse and recycling of hazardous wastes used or reuse as raw materials. The HWCL exceeds Federal requirements by mandating source reduction planning and broadening requirements for permitting facilities that treat hazardous waste. It also regulates various waste types and waste management activities not covered by Federal law (RCRA).



Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) requires the administrative consolidation of six hazardous materials and waste programs (Program Elements) under one agency, a Certified Unified Program Agency (CUPA). The Program Elements consolidated under the Unified Program are: (1) Hazardous Waste Generator and On-site Hazardous Waste Treatment Programs (Tiered Permitting); (2) Aboveground Petroleum Storage Tanks (Spill Prevention Control and Countermeasure Plan [SPCC]); (3) Underground Storage Tank (UST) Program; (4) Hazardous Materials Release Response Plans and Inventory Program (Hazardous Materials Disclosure or “Community-Right-To-Know”); (5) California Accidental Release Prevention Program (Cal ARP); and (6) Uniform Fire Code Plans and Inventory Requirements.

California Office of Emergency Services

To protect the public health and safety and the environment, the California Office of Emergency Services (OES) is responsible for establishing and managing statewide standards for business and area plans relating to handling and release or threatened release of hazardous materials. Basic information on hazardous materials handled, used, stored, or disposed of (including location, type, quantity, and the health risks) must be available to firefighters, public safety officers, and regulatory agencies. The information must be included in these institutions’ business plans to prevent or mitigate damaging the health and safety of persons and the environment from the release or threatened release of these materials into the workplace and environment.

These regulations are covered under California HSC Chapter 6.95 Article 1 – Hazardous Materials Release Response and Inventory Program (HSC §§ 25500 to 25520) and Article 2 – Hazardous Materials Management (HSC §§ 25531 to 25543.3). California Code of Regulations Title 19, Public Safety, Division 2, Office of Emergency Services, Chapter 4 – Hazardous Material Release Reporting, Inventory, and Response Plans, Article 4 (Minimum Standards for Business Plans) establishes minimum statewide standards for Hazardous Materials Business Plans (HMBP). These plans are required to include the following: (1) a hazardous material inventory in accordance with HSC §§ 2729.2 to 2729.7; (2) emergency response plans and procedures in accordance with HSC § 2731; and (3) training program information in accordance with HSC § 2732. Business plans contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of in the State. Each business is required to prepare a HMBP if that business uses, handles, or stores a hazardous material or an extremely hazardous material in quantities greater than or equal to the following: 500 pounds of a solid substance, 55 gallons of a liquid, 200 cubic feet of compressed gas, a hazardous compressed gas in any amount, or hazardous waste in any quantity.

Hazardous Waste Source Reduction and Management Review Act

This 1989 act, also sometimes referred to as Senate Bill (SB) 14, requires hazardous waste generators to use source reduction as the preferred method of managing hazardous waste. Source reduction is preferable to recycling and treatment options because source reduction avoids waste generation costs and management liability. It also provides the best protection for public health and the environment. Under SB 14, facilities generating more than 12 kilograms of



hazardous waste or extremely hazardous waste are required to do source reduction planning. Hazardous waste generators subject to SB 14 are each required to prepare and implement a Source Reduction Evaluation Review and Plan, a Hazardous Waste Management Performance Report and submit annual Summary Progress Reports.

Medical Waste Management Act

This act, chaptered in HSC §§ 117600 through 118630, sets regulations for ensuring the safe handling, storage, processing and disposal of medical wastes within California. Among other things, it addresses medical waste generators, as well as medical waste treatment facilities, defines medical wastes, biohazards and related materials, and also requires medical waste management plans of all generators of medical waste (both “large” and “small”). It also addresses the establishment and actions of a “medical waste management program” for local agencies, such as Riverside County. Such programs encompass the issuance of “medical waste registrations,” medical waste management plans, inspection of large-quantity medical waste generators, medical waste treatment facilities and medical waste haulers, as well as the investigation of violations of the HSC and enforcement of these regulations.

Tanner Act

The Tanner Act (AB 2948) addresses the handling of hazardous materials. This legislation serves to govern the preparation of hazardous waste management plans in California, as well as address the siting of hazardous waste facilities. To comply with the Tanner Act provisions, local jurisdictions must create hazardous waste management plans that address their hazardous waste permitting process and the appeal process to the State available for local decisions.

California Occupational Safety and Health Administration

The California Occupational Safety and Health Administration (Cal/OSHA) is the primary agency responsible for worker safety concerning handling and use of chemicals in the workplace. Cal/OSHA standards are generally more stringent than Federal regulations. Employers are required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR §§ 337-340). The regulations specify requirements for employee training, availability of safety equipment, accident-prevention programs, and hazardous substance exposure warnings.

California Building Code/California Residential Code

The 2019 California Building Code (CBC) is based on the 2018 International Building Code, which is a model building code developed by the International Code Council that sets rules specifying the minimum acceptable level of safety for building construction in the United States. The CBC is part of the California Code of Regulations (CCR), Title 24 Part 2. The California Residential Code (CRC) is part of the CCR, Title 24 Part 2.5. The CBC is updated periodically. The current CBC version was published July 1, 2019, and became effective January 1, 2020. Development projects must show compliance with the CBC and/or CRC through the development review process. Building permits are submitted and reviewed for compliance prior to obtaining construction and building permits.



California Environmental Quality Act

Under State CEQA Guidelines Article 19, Categorical Exemptions, § 15300.2(e) applies to hazardous waste sites. “A categorical exemption shall not be used for a project located on a site, which is included on any list compiled pursuant to Section 65962.5 of the Government Code.” Therefore, even if a project were otherwise qualified for an infill exemption (State CEQA Guidelines § 15332) or New Construction or Conversion of Small Structures exemption (State CEQA Guidelines § 15303), etc., it would not be exempt from CEQA if located on a hazardous waste site, and the lead agency would be required to prepare a Negative Declaration or Environmental Impact Report.

California Department of Forestry and Fire Protection

The California Department of Forestry and Fire Protection (CalFire) has mapped fire threat potential throughout California. CalFire ranks fire threats based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The rankings include no fire threat, moderate, high, and very high fire threat.

CalFire Strategic Fire Plan 2019

CalFire uses this plan to direct and guide its fire management activities for the State Responsibility Area (SRA) throughout California. CalFire’s mission is to serve and safeguard the people and protect the property and resources of California. CalFire responds to emergencies such as fires of all types, vehicle accidents, floods, earthquakes, hazardous material spills, and others within the SRA. CalFire provides direction for fire prevention using fire resource assessments, a variety of available data, mapping and other tools. The plan emphasizes “pre-fire” management, which is a process to assess alternatives to protect assets from unacceptable risk of wildland fire damage and focus on those actions that can be taken in advance of a wildland fire to potentially reduce the severity of the fire and ensure safety. Pre-fire management activities include prescribed burning, fuel breaks, forest health treatments and removal of hazardous vegetation.

REGIONAL AND LOCAL LEVEL

County of Riverside General Plan

Safety Element

The following policies from the County of Riverside General Plan Safety Element are applicable to the project in regard to hazards and hazardous materials:

- S 3.14 Development using, storing, or otherwise involved with substantial quantities of on-site hazardous materials should not be permitted within a 100-year floodplain or dam inundation zone, unless all standards for evaluation, anchoring, and flood-proofing have been satisfied. Hazardous materials should be stored in watertight containers, not capable of floating, to the extent required by State and Federal laws and regulations. Facilities storing substantial quantities of hazardous materials within inundation zones should be adequately flood-proofed and



hazardous materials containers shall be anchored and secured to prevent flotation and contamination.

- S.5.1 Enforce land use policies and existing criteria related to hazardous materials and waste through ongoing implementation of the programs identified in the County's Hazardous Waste Management Plan (CHWMP).
- S 5.2 Review all proposed development projects that manufacture, use, or transport hazardous materials for compliance with the CHWMP. Such projects shall provide a buffer zone, to be determined by the County, between the installation and property boundaries sufficient to protect public safety.
- S 5.3 Require that applications for discretionary development projects that will generate hazardous wastes or use hazardous materials include detailed information on hazardous waste reduction, recycling, and storage.
- S 5.4 Ensure that industrial facilities are constructed and operated in accordance with current safety and environmental protection standards.
- S 5.5 Regulate the storage of hazardous materials and wastes and require secondary containment and periodic examination for all such materials as necessary.
- S 5.6 Require that any business that handles a hazardous material prepare a plan for emergency response to a release or threatened release of a hazardous material, including providing updated information to emergency responders on the type and quantity of hazardous materials kept on-site.
- S 5.7 Identify sites that are inappropriate for hazardous material storage, maintenance, use, and disposal facilities due to potential impacts on adjacent land uses and the surrounding natural environment. Prohibit the siting of new or expanded hazardous material facilities on such sites to the extent feasible.
- S 5.8 Ensure that the use and disposal of hazardous materials in the County complies with local, State, and Federal safety standards.
- S 5.9 Require commercial businesses, utilities, and industrial facilities that handle hazardous materials to install automatic fire and hazardous materials detection, reporting, and shut-off devices, and install an alternative communication system in the event power is out or telephone service is saturated following an earthquake.
- S 6.2 Provide alerts about potential, developing, and ongoing emergency situations through extensive early-warning and notification systems that convey information to all residents, in multiple languages and formats to ensure it is widely accessible.
- S 6.3 Prioritize multilingual staff personnel as a resource to assist in evacuation and short-term recovery activities.



- S 6.4 Use incentives and disincentives to encourage private businesses, consortiums, and neighborhoods to be self-sufficient in an emergency by maintaining a fire control plan, including an on-site firefighting capability and volunteer fire response teams to respond to small fires, and identifying medical personnel or residents capable and certified in first-aid and CPR.

Land Use Element

The following policies from the County General Plan Land Use Element are applicable to the project in regard to hazards and hazardous materials:

- LU 15.2 Review all proposed projects and require consistency with any applicable airport land use compatibility plan as set forth in Appendix I-1 and as summarized in the Area Plan's Airport Influence Area section for the airport in question.
- LU 15.4 Prior to the adoption or amendment of the General Plan or any specific plan, or the adoption or amendment of a zoning ordinance or building regulation within the Airport Influence Area of any airport land use compatibility plan, refer such proposed actions to the ALUC for review and determination as provided by the Airport Land Use Law.
- LU 15.7 Allow the use of development clustering and/or density transfers to meet airport compatibility requirements as set forth in the applicable airport land use compatibility plan.
- LU 15.9 Ensure that no structures or activities encroach upon or adversely affect the use of navigable airspace.

The Riverside County Hazardous Waste Management Plan (CHWMP)

The Board of Supervisors adopted the Riverside County Hazardous Waste Management Plan (CHWMP) on September 12, 1989. With a framework of 24 existing and recommended programs, the CHWMP serves as the County's primary planning document for the management of hazardous substances. The CHWMP is a comprehensive document containing all of the County programs for managing hazardous materials and waste.

Airport Master Plans

The Airport Master Plans for the French Valley Airport, March Air Reserve Base, and Hemet-Ryan Airport guide development on their respective properties. Specifically, they include detailed land use concept plans which outline uses for all areas of the airport property. They also recommend improvements to their airports to address safety and capacity needs.

Riverside County Airport Land Use Compatibility Plans

In 2004, the Riverside County Airport Land Use Commission adopted the Riverside County Airport Land Use Compatibility Plan, which establishes policies applicable to land use compatibility planning in the vicinity of airports throughout the County. Included are compatibility criteria and maps for the influence areas of individual airports, as well as procedural requirements



associated with the compatibility review of development proposals. As shown in [Exhibit 4.9-1](#), portions of the project fall within the French Valley, Hemet/Ryan and March Air Reserve Airport Land Use Compatibility Plans with the following Compatibility Zone criteria specific to each Airport Land Use

Airport Land Use Compatibility Plan Policies

The following Airport Land Use Compatibility Plan policies are applicable to the project:

- 3.1.1 Basic Land Use Compatibility Criteria: The basic criteria for assessing whether a land use plan, ordinance, or development proposal is to be judged compatible with a nearby airport are set forth in the Basic Compatibility Criteria matrix, [Table 2A](#). These criteria are to be used in conjunction with the compatibility map and policies for each airport as presented in Chapter 3.
- 3.1.4 Nonresidential Development: The compatibility of nonresidential development shall be assessed primarily with respect to its usage intensity (the number of people per acre) and the noise-sensitivity of the use. Additional criteria listed in [Table 2A](#) shall also apply.
- a) The total number of people permitted on a project site at any time, except for rare special events, must not exceed the indicated usage intensity times the gross acreage of the site.
 - i) Usage intensity calculations shall include all people (e.g., employees, customers/visitors, etc.) who may be on the property at any single point in time, whether indoors or outside.
 - ii) Rare special events are ones (such as an air show at an airport) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate.
 - b) No single acre of a project site shall exceed the number of people per acre indicated in Policy 4.2.5(b) and listed in [Table 2A](#) unless special risk reduction building design measures are taken as described in Policy 4.2.6.
 - c) The noise exposure limitations cited in Policy 4.1.4 and listed in [Table 2B](#) shall be the basis for assessing the acceptability of proposed nonresidential land uses relative to noise impacts. The ability of buildings to satisfy the interior noise level criteria noted in Policy 4.1.6 shall also be considered.
- 4.2.4 Open Land: In the event that a light aircraft is forced to land away from an airport, the risks to the people on board can best be minimized by providing as much open land area as possible within the airport vicinity. This concept is based upon the fact that the majority of light aircraft accidents and incidents occurring away from an airport runway are controlled emergency landings in which the pilot has reasonable opportunity to select the landing site.
- a) To qualify as open land, an area should be:



- i) Free of most structures and other major obstacles such as walls, large trees or poles (greater than 4 inches in diameter, measured 4 feet above the ground), and overhead wires.
- ii) Have minimum dimensions of approximately 75 feet by 300 feet.
- b) Roads and automobile parking lots are acceptable as open land areas if they meet the above criteria.
- c) Open land requirements for each compatibility zone are to be applied with respect to the entire zone. Individual parcels may be too small to accommodate the minimum-size open area requirement. Consequently, the identification of open land areas must initially be accomplished at the general plan or specific plan level or as part of large (10 acres or more) development projects.
- d) Clustering of development, subject to the limitations noted below, and providing contiguous landscaped and parking areas is encouraged as a means of increasing the size of open land areas.
- e) Building envelopes and the airport compatibility zones should be indicated on all development plans and tentative maps for projects located within the influence area of airports covered by this Compatibility Plan. Portraying this information is intended to assure that individual development projects provide the open land areas identified in the applicable general plan, specific plan, or other large-scale plan.

4.2.6 Risk Reduction Through Building Design: The number of people permitted to occupy a single nonresidential building may be increased by a factor of up to 1.3 times the limitations set by the preceding policy on clustering if special measures are taken to reduce the risks to building occupants in the event that the building is struck by an aircraft.

- a) This intensity bonus is not applicable within Compatibility Zone A (no buildings are permitted) or E (densities and intensities are not limited) and shall not be applied to buildings situated within Compatibility Zones B1, B2, or C for runways routinely used by large aircraft (aircraft having a maximum certificated takeoff weight of more than 12,500 pounds).
- b) Building design features which would enable application of an intensity bonus include, but are not limited to, the following:
 - Using concrete walls;
 - Limiting the number and size of windows;
 - Upgrading the strength of the building roof;
 - Avoiding skylights;



- Enhancing the fire sprinkler system;
 - Limiting buildings to a single story; and
 - Increasing the number of emergency exits.
- c) Project proponents who wish to request an intensity bonus must include appropriate details of the building design along with their project review application.
- d) Intensity bonuses shall be considered and approved by affected local jurisdictions on a case-by-case basis. The criteria to be used by each jurisdiction when considering intensity bonus requests shall be reviewed and approved by the ALUC as part of the general plan consistency process or subsequent action.

Harvest Valley/Winchester Area Plan

The following policies contained in the Harvest Valley/Winchester Area Plan are applicable to the project in regard to hazards and hazardous materials:

- HWWAP 1.1 To provide for the orderly development of Hemet-Ryan Airport and the surrounding areas, comply with the 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.
- HWWAP 2.1 To provide for the orderly development of March Joint Air Reserve Base and the surrounding areas, comply with the 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.
- HWWAP 21.1 Protect life and property from wildfire hazards through adherence to the Fire Hazards section of the General Plan Safety Element.

Southwest Area Plan

The following policies contained in the Southwest Area Plan are applicable to the project in regard to hazards and hazardous materials:

- SWAP 11.1 To provide for the orderly development of French Valley Airport and the surrounding areas, comply with the Airport Land Use Compatibility Plan for French Valley 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.
- SWAP 25.1 Protect life and property from wildfire hazards through adherence to the Fire Hazards section of the Safety Element of the General Plan.



Riverside County Ordinances

The following Riverside County Ordinances contain regulations and policies that are applicable to hazards and hazardous materials within Riverside County.

Ordinance No. 615, *Hazardous Waste Generation, Storage, Handling and Disposal*. This ordinance was promulgated for the purpose of monitoring establishments where hazardous waste is generated, stored, handled, disposed, treated or recycled and to regulate the issuance of permits and the activities of establishments where hazardous waste is generated. This ordinance designates RCDEH to enforce the provisions of HSC Division 20, Chapter 6.5, § 25100, *et seq.*, and the “Environmental Health Standards for the Management of Hazardous Waste,” as specified in CCR Title 22, Division 4.5, pertaining to the generation, storage, handling, disposal, treatment and recycling of hazardous waste.

Ordinance No. 617, *Underground Storage Tanks Containing Hazardous Substances*. This ordinance implements § 25280 *et seq.* of the California Health and Safety Code to ensure that hazardous substances stored in underground tanks are done so safely and in a manner that prevents contamination. It does so by establishing appropriate construction standards for new underground storage tanks and requiring maintenance, monitoring and inspection of existing tanks. The ordinance also establishes a Local Oversight Program for “unauthorized releases of petroleum and petroleum-related materials from leaking underground tanks systems which require remedial action to prevent long-term threats to the public health, water quality and environment.” The RCDEH manages these programs.

Ordinance No. 651, *Disclosure of Hazardous Materials and Business Emergency Plans*. This ordinance implements the State of California’s “Hazardous Materials Release Response Plans and Inventory Law” (HSC, Chapter 6.95), to establish a system for permitting businesses handling hazardous materials. It serves to enforce minimum material standards and designates the Riverside County Community Health Agency as the agency responsible for administering and enforcing HSC Chapter 6.95. The RCDEH may require compliance with the applicable articles of the most-current Fire Codes. Pursuant to HSC § 25500, the Riverside County Board of Supervisors may also impose additional, more stringent requirements on businesses that handle hazardous materials.

Ordinance No. 718, *Generation, Storage and Transportation of Medical Waste*. This ordinance implements a medical waste management program in accordance with the Medical Waste Management Act, HSC Division 14, Part 14. It establishes requirements for the management of medical waste and makes provisions for its enforcement.

Ordinance No. 348 § 18.44, *Hazardous Waste Facility Siting Permit*. This ordinance outlines specific requirements applicable to the siting or expansion of a hazardous waste facility in order to safeguard life, health, property and the public welfare. Hazardous waste facilities are permitted in the Manufacturing-Heavy Zone provided that a hazardous waste facility siting permit is granted.



Riverside County Ordinances Chapter 8.52.040(b)(3) - Construction and Demolition Requirements

The County requires for any operator involved in demolition activities shall comply with AQMD Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities) requirements, and the requirements of Title 40, Part 61 of the code of Federal Regulations.

Riverside County Ordinances Chapter 8.64.030 - Requirements for handling hazardous materials

The County requires for any operator in handling hazardous materials to comply with the basic protocol for handling hazardous materials. Protocol measures pursuant to Chapter 8.64.030 include correction of unsafe conditions, storage of hazardous materials, physical separation of hazardous materials from building structures, restricted access to hazardous materials, warning signs, posting, emergency contact information, emergency equipment and employee training guidelines.

Riverside County Fire Department Strategic Plan – 2009-2029

The County has developed a strategic fire plan that details the department’s goals and strategies for proactively coordinating fire facility, service and County equipment needs for 2009-2029. It incorporates CalFire’s management plan for several sub-zones within the County. The plan is aimed at ensuring that existing and future development maintain adequate service levels throughout the County.

Riverside County Department of Environmental Health – Hazardous Materials Branch

The RCDEH Hazardous Materials Branch is the local administrative agency (i.e., CUPA) that coordinates the regulation of hazardous materials and hazardous waste in the County. The CUPA serves as a single point of contact for permitting, billing, and inspections; uniformity and consistency in enforcement of regulations; and a single fee system incorporating all of the applicable fees from the six CUPA programs.

Riverside County Household Hazardous Waste Program

Riverside County’s Household Hazardous Waste Program is administered through the County Department of Waste Resources. The Program participation includes working with the California Department of Resources Recycling and Recovery (CalRecycle) office. The Program’s goals include education, places for disposal, monitoring of regulation requirements, and significant reductions in the disposal of household hazardous waste in solid waste landfills.

Riverside County Fire Department

The Riverside County Fire Department (RCFD) maintains a hazardous material (hazmat) team to respond to hazardous materials spills and leaks, as well as provide expertise in the safe handling, abatement, and documentation of hazmat emergencies. The RCFD implements its program through its Hazardous Materials Response Plan, which is required under CCR Title 8. Riverside County’s team is a two-part company consisting of a hazmat unit and a support unit. All team members are trained to the California Specialized Training Institute “technical specialist” level.



The RCFD also administers compliance with Ordinance No. 615 (hazardous waste) and Ordinance No. 718 (medical waste) regulations, as well as Ordinance No. 348 § 18.44 regarding hazardous waste facilities.

4.9.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the State CEQA Guidelines contains the Environmental Checklist form used during preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (refer to Impact Statement HAZ-1);
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (refer to Impact Statement HAZ-2);
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (refer to Impact Statement HAZ-3);
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment (refer to Impact Statement HAZ-2);
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area (refer to Impact Statement HAZ-4);
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (refer to Impact Statement HAZ-5);
- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires (refer to Impact Statement HAZ-6, see also Section 4.20, *Wildfires*).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.



4.9.4 IMPACTS AND MITIGATION MEASURES

ROUTINE TRANSPORT OF MATERIALS

HAZ-1 PROJECT IMPLEMENTATION COULD SUBSTANTIALLY CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR ENVIRONMENT THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS.

Impact Analysis

Many types of businesses utilize various chemicals and hazardous materials, and their routine business operations involve chemicals that are manufactured, warehoused, or transported. Implementation of the proposed project would accommodate the future development of residential and non-residential uses. Increased development would result in an increase in the routine transport, use, and storage of hazardous materials in the project area, potentially resulting in accidental releases. Risk of upset can involve scenarios that could adversely affect the public or the environment through accidental release of hazardous materials. Exposure of persons to hazardous materials could also occur through the operations of future developments associated with the improper handling of hazardous materials/wastes, particularly by untrained personnel; transportation accident; environmentally unsound disposal methods; or fire, explosion, or other emergencies. Typical incidents that could create a hazard involve accidental releases of hazardous materials including accidents during transport causing a “spill” of a hazardous materials and/or natural disasters causing the unauthorized release of a substance. If not cleaned up immediately and completely, these and other types of incidents could cause contamination of soil, surface water and groundwater, in addition to any toxic vapors that might be generated. Human exposure to contaminated soil or water could have potential health effects depending on a variety of factors, including the nature of the contaminant and the degree of exposure.

However, hazardous materials and wastes are extensively regulated and monitored by Federal and State law. The use of hazardous materials is regulated and monitored under EPCRA, RCRA, and the Hazardous Materials Disclosure Program. Transportation of hazardous materials and/or wastes is regulated under RCRA, the Hazardous Materials Transportation Act, Hazardous Wastes Control Law, and California Code of Regulations Title 22. Disposal of hazardous wastes regulated under RCRA, Hazardous Wastes Control Law, and California Code of Regulations (CCR) Title 22. California Code of Regulations §§ 2729 through 2732 provide requirements for the reporting, inventory, and release response plans for hazardous materials. These requirements establish procedures and minimum standards for hazardous material plans, inventory reporting and submittal requirements, emergency planning/response, and training. Compliance with all applicable Federal, State, and regional regulations would minimize potential impacts to the public or environment. Specific hazards and hazardous materials anticipated for the project area are identified below.

Non-Residential Development

As shown in [Exhibit 3-11, *Proposed Winchester Policy Area Land Use Designation Changes*](#), the project would facilitate future commercial retail, business park and light industrial use



development within the northeastern portion of the project area. These types of uses may routine transport, use, and storage of hazardous materials in the project area. Although the project proposes a 22 percent decrease in overall total square footage of non-residential uses (See [Table 3.2, *Development Potential*](#)), any future, commercial retail, business park, or light industrial development utilizing, storing, or transporting hazardous materials would be required to adhere to General Plan Policies S.5.1 through S.5.9 for the handling and storage of hazardous materials. In addition, these uses would be required to demonstrate compliance with Riverside County Ordinances Chapter 8.64.030, *Requirements for handling hazardous materials*, as well as all applicable California Division of Occupational Safety and Health (Cal/OSHA) and U.S. EPA requirements. In accordance with Cal/OSHA's Process Safety Management of Highly Hazardous Chemicals standard (29 CFR 1910.119), operation of these uses would require the preparation of a Process Safety Management Program to prevent or minimize the consequences of catastrophic releases of toxic, flammable, or explosive chemicals.

Regulated Quantity Requirements

In addition, any future development where the maximum quantity of a regulated substance exceeds the specified threshold quantity (500 pounds of a solid, 55 gallons of a liquid, or 200 cubic feet of a gas), would be required to prepare a Hazardous Materials Business Plan (HMBP) with the County. The HMBP regulates the storage and handling of hazardous materials through education, facility inspections and enforcement of State law. The information from the HMBP is made available to first responders in the County for emergency response activities. All development handlers would be required to disclose their inventory and quantity of hazardous materials in the form of a Material Safety Data Sheet (MSDS) to be included as part of the HMBP and to provide an escape route for staff employees and emergency access routes for first responders in the event of an emergency. The HMBP would be required to be posted onsite in an accessible location of the business for staff workers and inspectors. Dependent upon the type and quantity of materials stored onsite, a Spill Prevention Control and Countermeasure Plan (SPCC) may be required upon County review. The purpose of the SPCC is to help facilities prevent a discharge of oils, solvents, or fuels into navigable waters or adjoining shorelines, requires facilities to develop, maintain, and implement an oil spill prevention plan.

Residential Development

The project would increase residential land uses within the project area. The use of household hazardous materials is common in residential applications, and materials transport to- and-from these sites during construction and operation could occur. However, adherence to applicable Federal, State, and General Plan Policy S.5.5 regulating the storage of hazardous materials and wastes would apply for residential construction and post construction residential development.

Therefore, compliance with the requirements of Federal, State, and local laws and regulations regarding the use and storage of hazardous materials would ensure that risks resulting from the routine transportation, use, storage, or disposal of hazardous materials or hazardous wastes associated with implementation of the project would be less than significant.



Transportation Routes

According to the National Hazardous Materials Safety Route Registry map maintained by the Federal Motor Carrier Safety Administration, the existing street network within the project area⁵ is restricted from being used by any vehicle transporting commodities listed in Section 13 CCR 1150. Regardless of the restriction, all transportation route-related uses and activities would be required to adhere to General Plan Policy S 5.2 for County review of projects transporting hazardous wastes, compliance with Riverside County Ordinances Chapter 8.64.030, and all applicable Federal, State and regional regulations.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

UPSET AND ACCIDENT CONDITIONS

HAZ-2 PROJECT IMPLEMENTATION WOULD CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT.

Impact Analysis

As discussed in Impact Statement HAZ-1, the project would facilitate future residential commercial retail, business park and light industrial use development within the project area that could involve the transport, use, and storage of hazardous materials in the project area. Any future development, would be subject to Federal, State, County policies and local regulatory requirements for the handling, storage, transporting and use of hazardous materials.

Hazardous Materials Sites

Review of regulatory databases including the SWRCB GeoTracker and the DTSC Envirostor indicate that there are multiple listings currently present within the project area that have or previously had cases associated with hazardous material spills, violations, or incidents. However, the status of these sites indicates that all except one (i.e., Temecula Bombing Target No. 2 site) have been cleaned up and require no further action by SWRCB and DTSC; see [Table 4.9-1](#) and [Table 4.9-2](#) above. Half of the Temecula Bombing Target No. 2 site is developed with residential uses and the other half is fenced for conservation purposes (Parsons, 2007).

Unknown Hazardous Wastes

Future development accommodated through implementation of the project could involve grading and excavation activities which could expose construction workers and the public to previously unknown hazardous substances present in the soil or groundwater. Exposure to contaminants

⁵ Federal Motor Carrier Safety Administration (FMCSA), *National Hazardous Materials Route Registry by State map*, <https://www.fmcsa.dot.gov/regulations/hazardous-materials/national-hazardous-materials-route-registry-state>, accessed November 23, 2021.



could occur if the contaminants migrated to surrounding areas or if contaminated zones were disturbed at the contaminated location. Grading and excavation activities could also reveal previously unidentified USTs. Although UST removal activities could pose risks to workers and the public, potential risks would be minimized by managing the tank according to existing OCHCA EHD's standards. To reduce impacts associated with unknown hazardous wastes, Mitigation Measure HAZ-1 would require preparation of a project-specific Phase I Environmental Site Assessment (ESA) for any properties identified on any list of hazardous materials compiled pursuant to Government Code Section 65962.5. The Phase I ESA would be prepared in accordance with ASTM Standard Practice E 1527-05 or the Standards and Practices for All Appropriate Inquiry (AAI), prior to any demolition or construction activities. The Phase I ESA would identify specific Recognized Environmental Conditions (RECs) which may require further sampling/remedial activities by a qualified Hazardous Materials Specialist with Phase II/site characterization experience. If the Phase I ESA reveals RECs, the Hazardous Materials Specialist would be charged with identifying remedial activities, which would be strictly controlled by local, State, and Federal requirements.

Demolition

Any future development within the project area proposing demolition that could result in the release of ACMs or LBPs. The National Emission Standards for Hazardous Air Pollutants mandates that building owners conduct an asbestos survey to determine the presence of ACMs prior to the commencement of any remedial work, including demolition. In accordance with SCAQMD Rule 1403, if ACM is found, abatement of asbestos would be required prior to any demolition activities. Riverside County Ordinances Chapter 8.52.040(b)(3), *Control requirements*, requires that any operator involved in demolition activities shall comply with AQMD Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities) requirements, and the requirements of Title 40, Part 61 of the code of Federal Regulations. If ACMs or LBPs are identified during site inspection, Mitigation Measure HAZ-2 requires abatement activities to occur prior to demolition.

Following compliance with Federal, State, and local regulations, as well as Mitigation Measures HAZ-1 and HAZ-2, potential impacts in regard to unknown hazardous wastes would be reduced to a less than significant level.

Mitigation Measures:

HAZ-1 Prior to issuance of any grading or building permit (whichever occurs first) for a project subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) on a site identified on any list of hazardous materials compiled pursuant to Government Code Section 65962.5, a formal Phase I Environmental Site Assessment (ESA) shall be prepared in accordance with ASTM Standard Practice E 1527-05 or the Standards and Practices for All Appropriate Inquiry (AAI). The Phase I ESA shall identify specific Recognized Environmental Conditions (RECs), which may require further sampling/remedial activities by a qualified Hazardous Materials Specialist with Phase II/site characterization experience prior to demolition, and/or construction. The Hazardous Materials Specialist shall identify proper remedial activities appropriate



to the hazardous material(s) found (e.g., removal and disposal; bio-remediation; pump and treat; soil vapor extraction, and in situ oxidation), as necessary.

HAZ-2 Phase II testing shall be performed for any structure suspected of containing lead or asbestos prior to demolition activities. Removal of lead paints and Asbestos Containing Materials (ACMs) must be completed in accordance with an approved Health and Safety Plan prepared by a qualified Lead and ACMs Specialist. Disposal of lead paints and asbestos containing materials must be done at an approved disposal facility.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

NEARBY SCHOOLS

HAZ-3 PROJECT IMPLEMENTATION WOULD EMIT HAZARDOUS EMISSIONS OR HANDLE ACUTELY HAZARDOUS MATERIALS, SUBSTANCES, OR WASTE WITHIN ONE-QUARTER MILE OF AN EXISTING OR PROPOSED SCHOOL.

Impact Analysis

As shown [Table 4.9-2](#), there are three schools located within the project area: Ethan A. Chase Middle School located at 28100 Calm Horizon Drive, Heritage High School located at 26001 Briggs Road and Harvest Valley Elementary School located at 29955 Watson Road. Future residential development would have a potentially significant impact on the environment if it would emit hazardous emissions or substances within 0.25-mile of an existing or proposed school. The project does not propose any development at this time; however, it does propose land use and policy changes that would facilitate commercial and light industrial uses throughout the project area that could occur within 0.25-mile of an existing or proposed school location. Therefore, any future commercial or light industrial development would be required to adhere to General Plan Policies S.5.1 through S.5.9 for the handling and storage of hazardous materials, comply with Riverside County Ordinances Chapter 8.64.030, *Requirements for handling hazardous materials*, comply with California Division of Occupational Safety and Health (Cal/OSHA) regulations, and U.S. EPA regulations in order to reduce the potential for impacts to schools within 0.25-mile of a development site. Future development would also require adherence to California Hazardous Waste Control Law, California HSC, and RCRA regulations in order to minimize potential impacts associated with the accidental release of hazardous materials. As a result, future residential, commercial, or light industrial development would not conflict with any State, County, or local plan aimed at preventing emissions or handling of hazardous materials near schools. Therefore, impacts would be less than significant, and no mitigation is required.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.



AIRPORT-RELATED HAZARD OR NOISE

HAZ-4 PROJECT IMPLEMENTATION LOCATED WITHIN AN AIRPORT LAND USE PLAN OR, WHERE SUCH A PLAN HAS NOT BEEN ADOPTED, WITHIN TWO MILES OF A PUBLIC AIRPORT OR PUBLIC USE AIRPORT, WOULD THE PROJECT RESULT IN A SAFETY HAZARD OR EXCESSIVE NOISE FOR PEOPLE RESIDING OR WORKING IN THE PROJECT AREA.

Impact Analysis

The project proposes land use and policy changes that would facilitate residential, commercial retail, business park, and light industrial uses development. Some of these proposed changes would occur within airport influence area Compatibility Zones for the French Valley, March Air Reserve Base, and Hemet-Ryan Airports; refer to [Exhibits 4.9-3](#), [4.9-4](#) and [4.9-5](#). These proposed changes would modify the land uses within the airport land use Compatibility Plans and would also require future development to comply with the criteria implemented for each assigned Compatibility Zone.

The Riverside County Airport Land Use Commission is tasked with reviewing development plans surrounding the airports for consistency with the ALUCP. The French Valley Airport is within the Highway 79 PA, where the project proposes to lift the residential density restriction, resulting in additional dwelling units on lands already anticipated for development. March Air Reserve Base and Hemet-Ryan are not located within the project area, but their respective Airport Influence Areas do encroach into the project area. The project proposes to redesignate some non-residential land uses to residential and mixed-use; and some low-density residential land uses to higher density residential uses within the Airport Influence Areas of the March Air Reserve Base and the Hemet-Ryan Airport. Together, these land use designation changes would result in more DU and less non-residential land uses within the Airport Influence Areas.

Pursuant to General Plan Policy LU 15.2, future development activities occurring within the project area and within an Airport Influence Area would require review by the ALUC during the development review process to ensure development compliance with Compatibility Zone criteria. This also requires future development within Compatibility Zones to be reviewed by the ALUC in accordance with the Basic Land Use Compatibility Criteria (ALUC Policy 3.1.1), for nonresidential development compatibility (ALUC Policy 3.1.4), for open land availability for emergency aircraft landing (ALUC Policy 4.2.4) and risk reduction through building design (ALUC Policy 4.2.6), and development clustering (LU Policy 15.9). As a result, the project is not anticipated to conflict with an adopted ALUCP. Impacts would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.



EMERGENCY PLANS

HAZ-5 PROJECT IMPLEMENTATION COULD IMPAIR IMPLEMENTATION OF OR PHYSICALLY INTERFERE WITH AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN.

Impact Analysis

The project would not impair or physically interfere with an adopted emergency response plans or emergency evacuation plan. The Riverside County Fire Department in cooperation with CalFire provides fire and emergency response service to unincorporated Riverside County. The Fire Department has adopted a Standards of Coverage and Deployment Plan to identify emergency facilities, deployment strategies, and have appropriate personnel and equipment available to effectively deal with emergency situations within the County. Furthermore, implementation of General Plan Policies S 6.1, through S 6.5 in regard to providing emergency communication alerts, multilingual staff personnel to convey alerts, using incentives for encouraging emergency self-sufficient neighborhoods, and for the conducting of regional drills during earthquakes and other hazards would encourage the project to be pro-active and ready in the event of an emergency.

The project would not require or result in revisions to the adopted Standards of Coverage and Deployment Plan. Primary access to all major roads would be maintained during construction of future residential, commercial, and light industrial developments within the project area. Therefore, impacts associated with adopted emergency response or evacuation plans would be less than significant.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

WILDLAND FIRE

HAZ-6 PROJECT IMPLEMENTATION COULD EXPOSE PEOPLE OR STRUCTURES TO A SIGNIFICANT RISK OF LOSS, INJURY OR DEATH INVOLVING WILDLAND FIRE.

Impact Analysis

The project would expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires; see [Section 4.20, *Wildfire*](#) for a detailed discussion. Adherence to State and County codes, as well as applicable emergency and evacuation plans set by the County would prevent impacts to people or structures from risks of loss, injury, or death. Therefore, impacts would be less than significant, and no mitigation is required.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

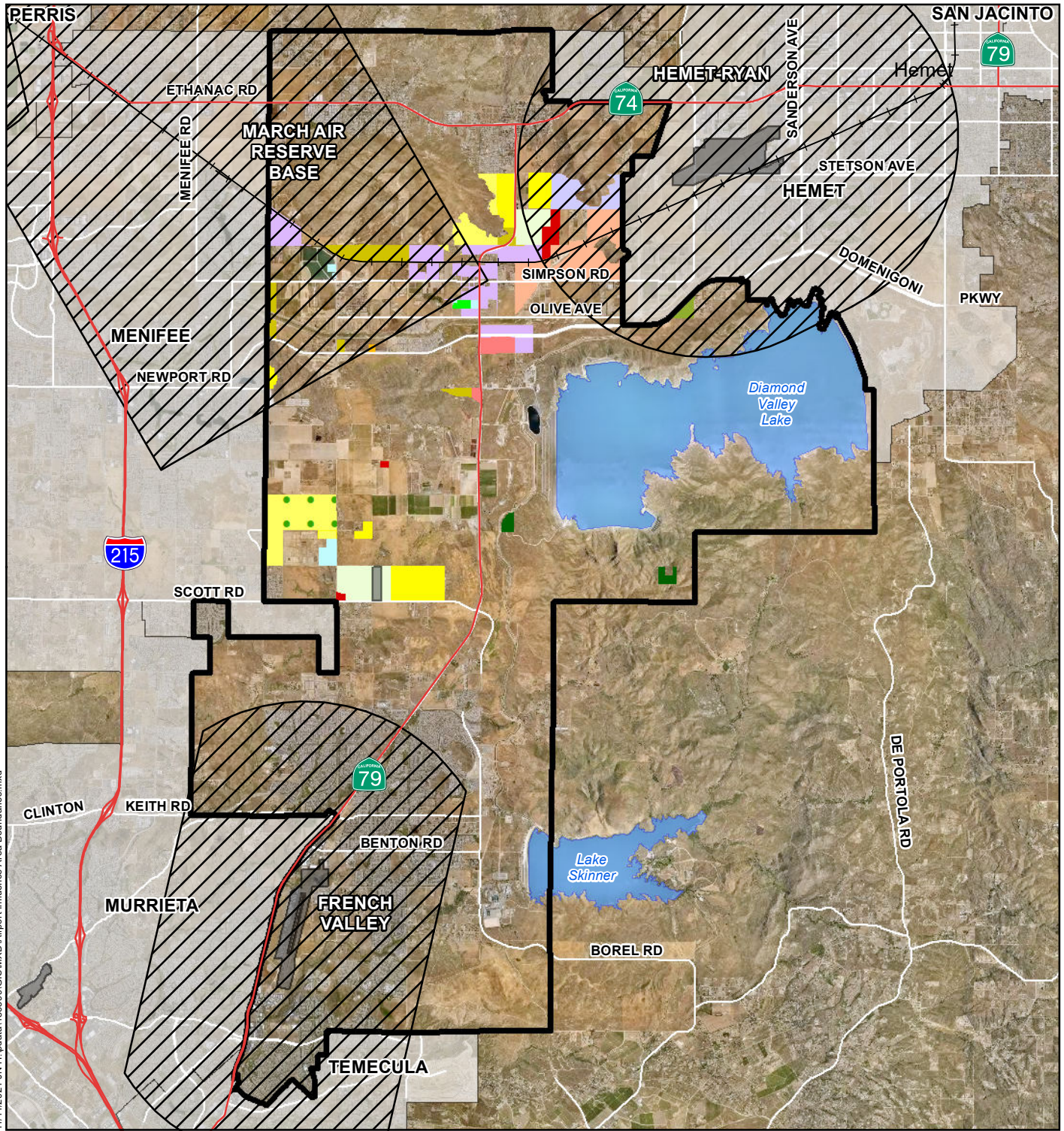


4.9.5 SIGNIFICANT UNAVOIDABLE IMPACTS

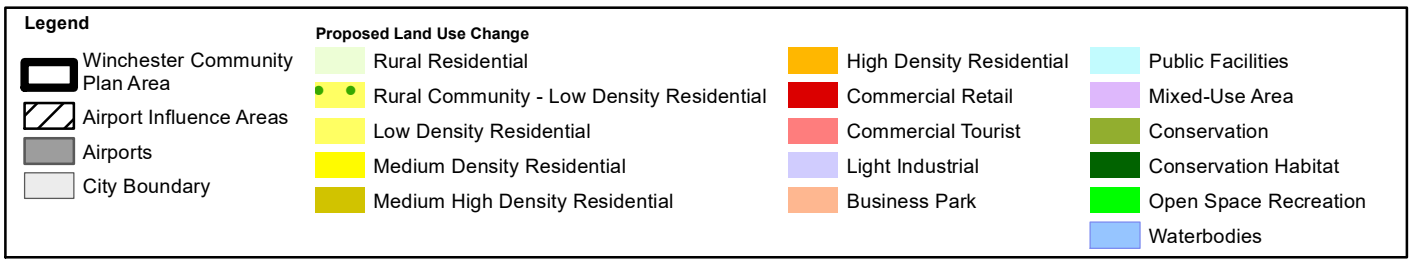
No significant unavoidable hazards and hazardous materials impacts would occur as a result of the project.



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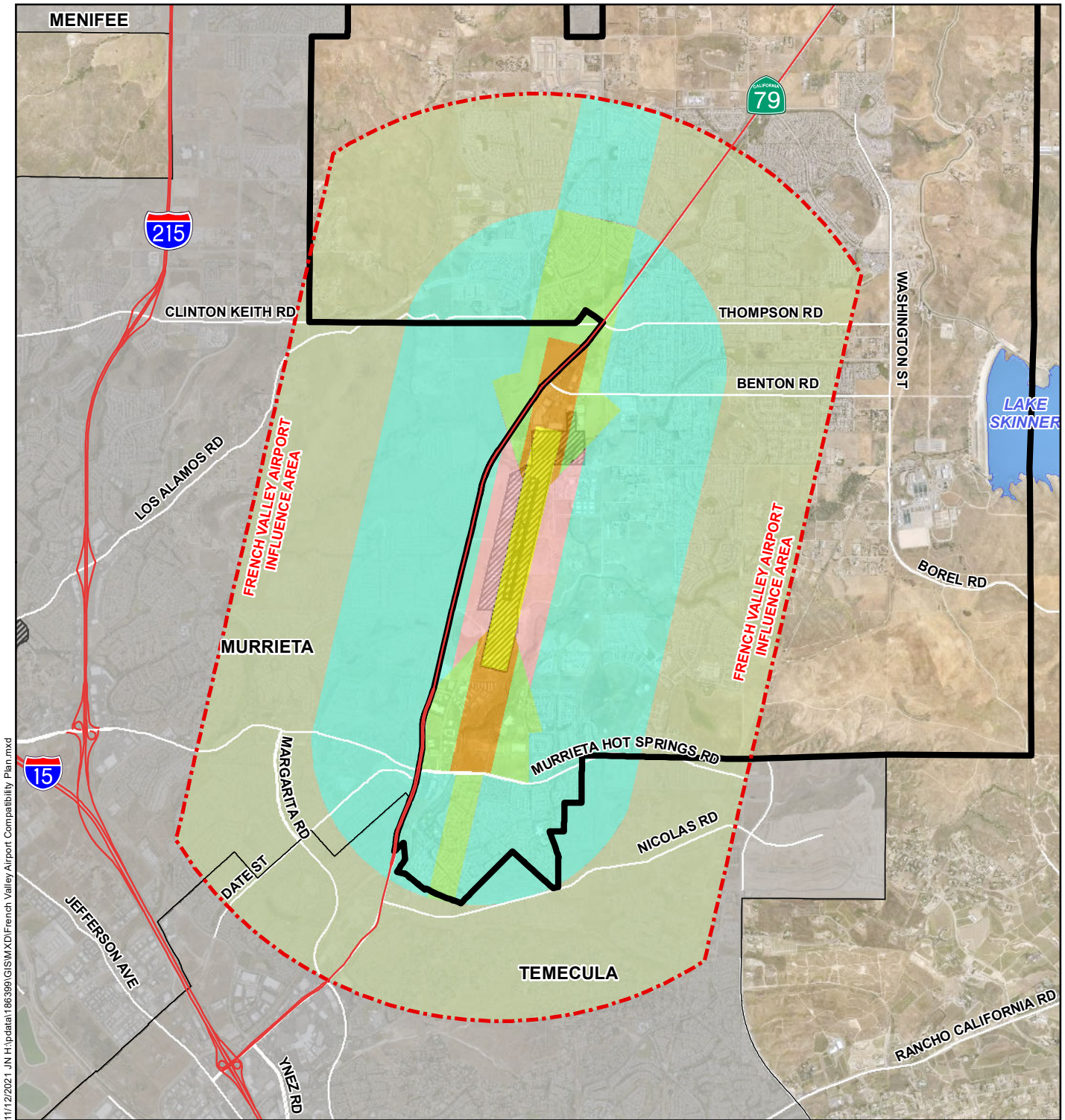
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WINCHESTER COMMUNITY PLAN ENVIRONMENTAL IMPACT REPORT

Airport Influence Area Boundaries

Zone	Locations	Maximum Densities / Intensities				Req'd Open Land ³	Additional Criteria	
		Residential (d.u./ac) ¹	Other Uses (people/ac) ²				Prohibited Uses ⁴	Other Development Conditions ⁵
		Average ⁶	Single Acre ⁷	with Bonus ⁸				
A	Runway Protection Zone and within Building Restriction Line	0	0	0	0	All Remaining	<ul style="list-style-type: none"> › All structures except ones with location set by aeronautical function › Assemblages of people › Objects exceeding FAR Part 77 height limits › Storage of hazardous materials › Hazards to flight⁹ 	› Avigation easement dedication
B1	Inner Approach/Departure Zone	0.05 (average parcel size ≥20.0 ac.)	25	50	65	30%	<ul style="list-style-type: none"> › Children's schools, day care centers, libraries › Hospitals, nursing homes › Places of worship › Bldgs with >2 aboveground habitable floors › Highly noise-sensitive outdoor nonresidential uses¹⁰ › Aboveground bulk storage of hazardous materials¹¹ › Critical community infrastructure facilities¹² › Hazards to flight⁹ 	<ul style="list-style-type: none"> › Locate structures maximum distance from extended runway centerline › Minimum NLR of 25 dB in residences (including mobile homes) and office buildings¹³ › Airspace review required for objects >35 feet tall¹⁴ › Avigation easement dedication
B2	Adjacent to Runway	0.1 (average parcel size ≥10.0 ac.)	100	200	260	No Req't	Same as Zone B1	<ul style="list-style-type: none"> › Locate structures maximum distance from runway › Minimum NLR of 25 dB in residences (including mobile homes) and office buildings¹³ › Airspace review required for objects >35 feet tall¹⁴ › Avigation easement dedication
C	Extended Approach/Departure Zone	0.2 (average parcel size ≥5.0 ac.)	75	150	195	20%	<ul style="list-style-type: none"> › Children's schools, day care centers, libraries › Hospitals, nursing homes › Bldgs with >3 aboveground habitable floors › Highly noise-sensitive outdoor nonresidential uses¹⁰ › Hazards to flight⁹ 	<ul style="list-style-type: none"> › Minimum NLR of 20 dB in residences (including mobile homes) and office buildings¹³ › Airspace review required for objects >70 feet tall¹⁵ › Deed notice required
D	Primary Traffic Patterns and Runway Buffer Area	(1) ≤0.2 (average parcel size ≥5.0 ac.) or ¹⁶ (2) ≥5.0 (average parcel size ≤0.2 ac.)	100	300	390	10%	<ul style="list-style-type: none"> › Highly noise-sensitive outdoor nonresidential uses¹⁰ › Hazards to flight⁹ 	<ul style="list-style-type: none"> › Airspace review required for objects >70 feet tall¹⁵ › Children's schools, hospitals, nursing homes discouraged¹⁷ › Deed notice required
E	Other Airport Environs	No Limit	No Limit ¹⁸		No Req't	› Hazards to flight ⁹	<ul style="list-style-type: none"> › Airspace review required for objects >100 feet tall¹⁵ › Major spectator-oriented sports stadiums, amphitheaters, concert halls discouraged beneath principal flight tracks¹⁸ 	
*	Height Review Overlay	Same as Underlying Compatibility Zone			Not Applicable	Same as Underlying Compatibility Zone	<ul style="list-style-type: none"> › Airspace review required for objects >35 feet tall¹⁴ › Avigation easement dedication 	

See Chapter 3 for airport-specific additions or exceptions to these policies



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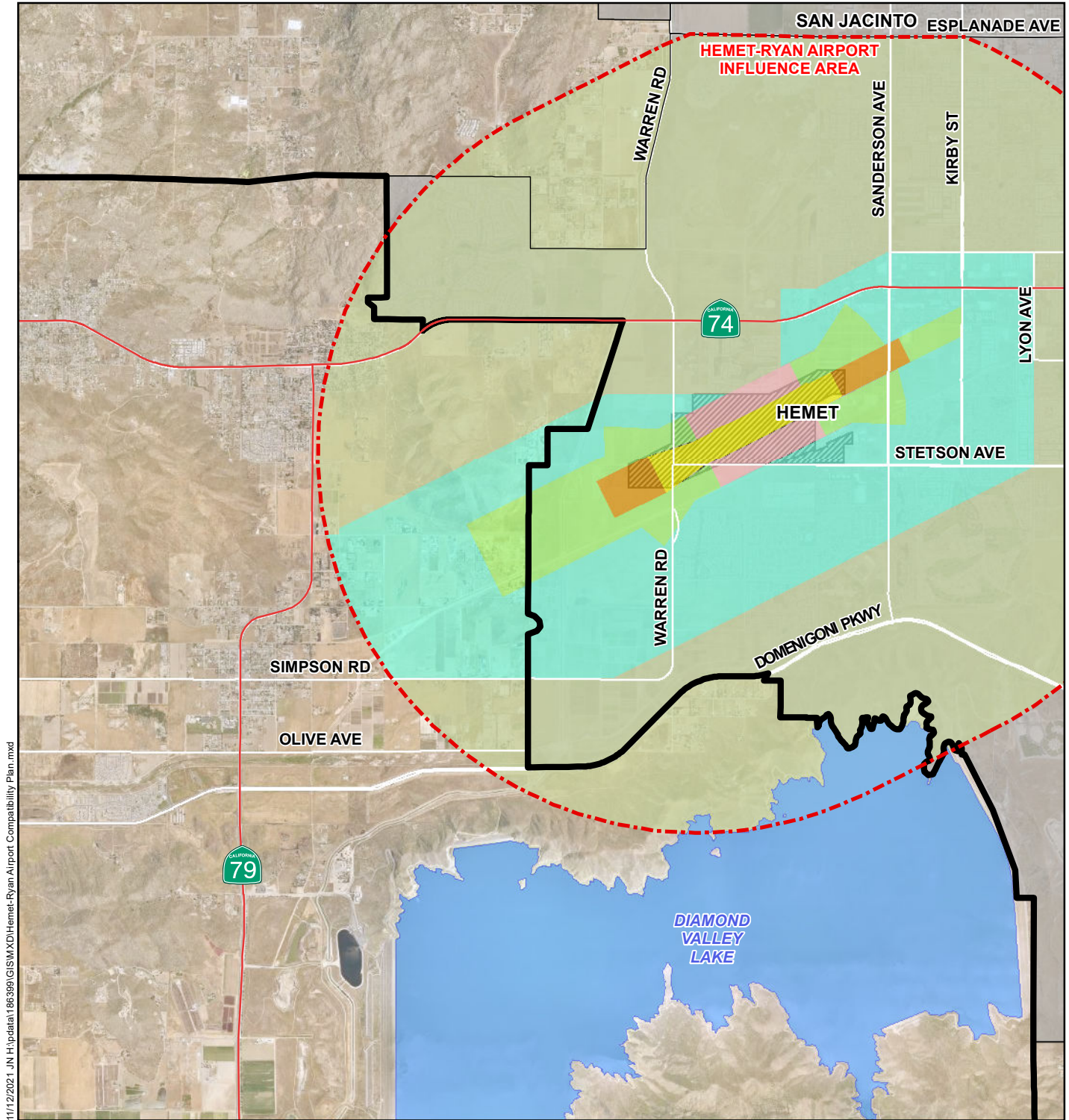
Legend

Winchester Community Plan Area	Airports	Compatibility Zones	
City Boundary	Airport Influence Areas	Zone A	Zone C
Waterbodies		Zone B1	Zone D
		Zone B2	Zone E



Source: County of Riverside, ESRI

WINCHESTER COMMUNITY PLAN
 ENVIRONMENTAL IMPACT REPORT
French Valley Airport Compatibility Plan



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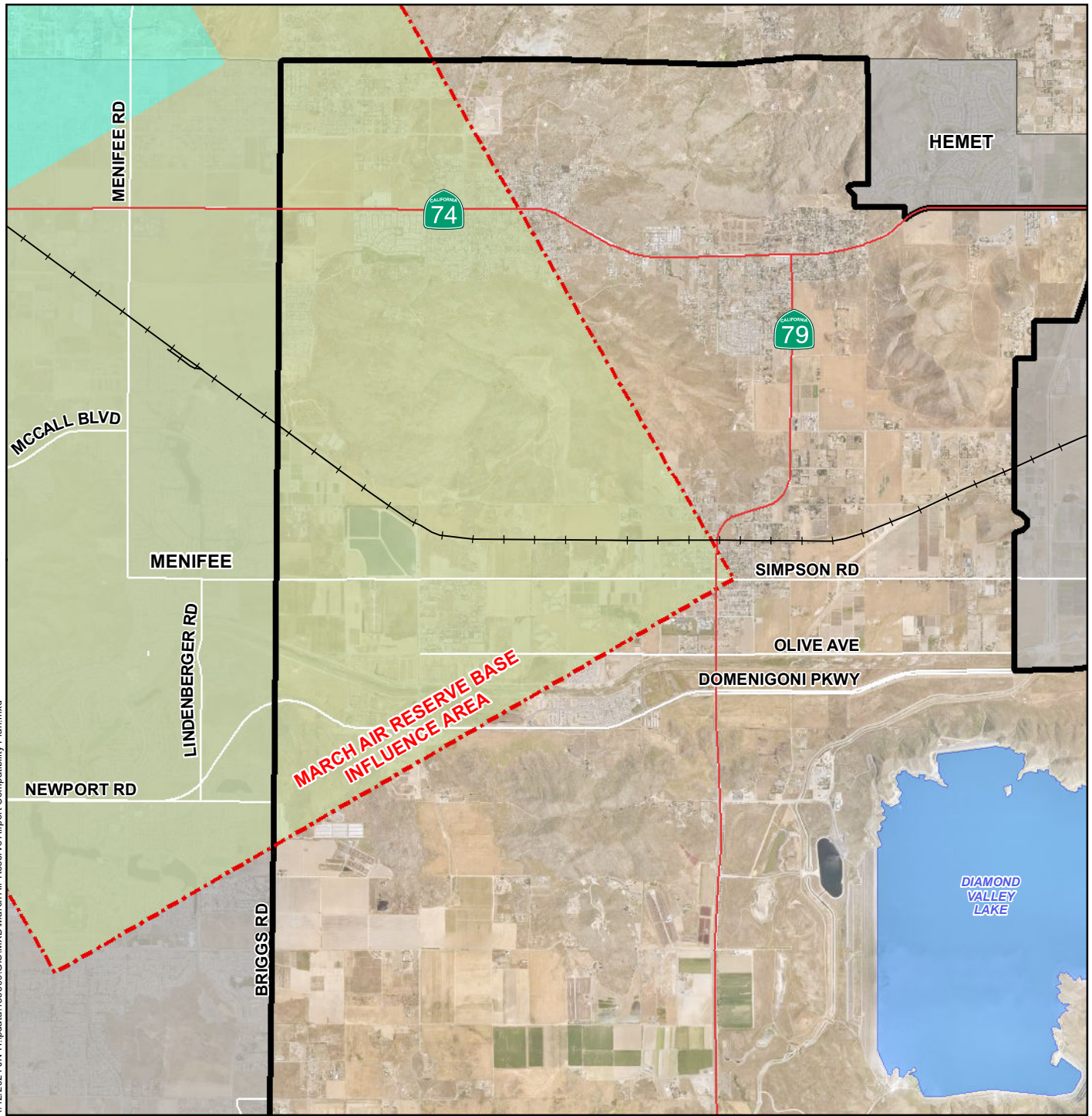
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Winchester Community Plan Area	Airport	Compatibility Zones	
City Boundary	Airport Influence Areas	Zone A	Zone C
Waterbodies		Zone B1	Zone D
		Zone B2	Zone E

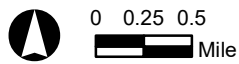
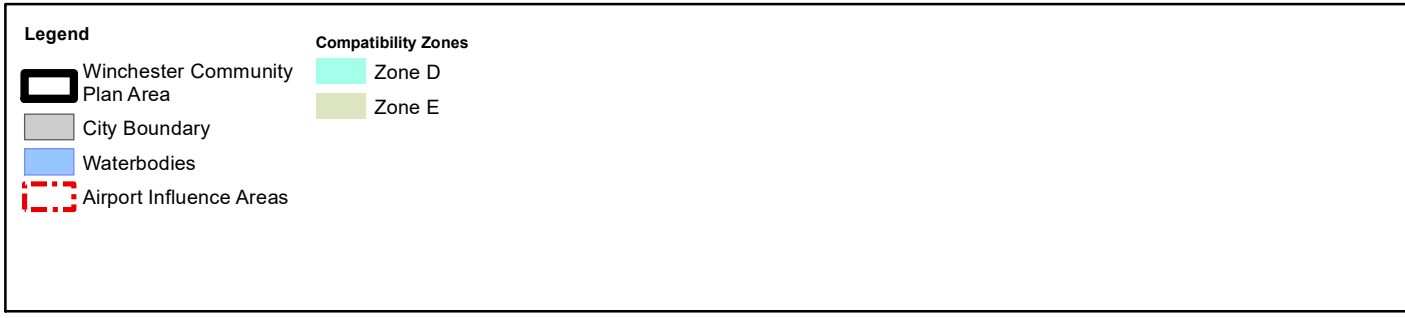


Source: County of Riverside, ESRI

WINCHESTER COMMUNITY PLAN
 ENVIRONMENTAL IMPACT REPORT
Hemet-Ryan Airport Compatibility Plan



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Source: County of Riverside

WINCHESTER COMMUNITY PLAN
 ENVIRONMENTAL IMPACT REPORT
March Air Reserve Airport Compatibility Plan



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4.10 HYDROLOGY AND WATER QUALITY

The purpose of this section is to describe the existing regulatory setting and environmental conditions concerning hydrology and water quality, identify potential hydrologic and drainage impacts that could result from project implementation, and as necessary, recommend mitigation to avoid or reduce the significance of impacts.

Information in this section is based primarily on the following sources:

- County of Riverside General Plan
- County of Riverside Environmental Impact Report No. 521 (EIR No. 521)

4.10.1 EXISTING SETTING

STORMWATER QUALITY

Point Source Pollutants

Historically, point source pollutants have consisted of industrial operations with discrete discharges to receiving waters. Over the past several decades, many industrial operations have been identified as potential sources of pollutant discharges. For this reason, many types of industrial operations require coverage under the State of California's General Industrial Permit. This permit regulates the operation of industrial facilities and monitors and reports mechanisms to ensure compliance with water quality objectives. State regulations require industrial operations to comply with California's General Industrial Permit, which significantly lessens impacts on the quality of receiving waters. However, industrial operations that are not covered under the General Industrial Permit's jurisdiction may still have the potential to affect the water quality of receiving waters. These industrial operations would be considered nonpoint source pollutants.

Nonpoint Source Pollutants

A net effect of urbanization can be to increase pollutant export over naturally occurring conditions. The impact of the higher export affects the adjacent streams and the downstream receiving waters. However, an important consideration in evaluating stormwater quality is to assess whether the beneficial use to the receiving waters is impaired. Nonpoint source pollutants are characterized by the following major categories to assist in determining the pertinent data and its use. Receiving waters can assimilate a limited quantity of various constituent elements; however, there are thresholds beyond which the measured amount becomes a pollutant and results in an undesirable impact. Standard water quality categories of typical urbanization impacts are:

- Sediment. Sediment is made up of tiny soil particles that are washed or blown into surface waters. It is the major pollutant by volume in surface water. Suspended soil particles can cause the water to look cloudy or turbid. The fine sediment particles also act as a vehicle to transport other pollutants, including nutrients, trace metals, and hydrocarbons. Construction sites are the largest source of sediment for urban areas under development.



Another major source of sediment is streambank erosion, which may be accelerated by increases in peak rates and volumes of runoff due to urbanization.

- Nutrients. Nutrients are a major concern for surface water quality, especially phosphorous and nitrogen, which can cause algal blooms and excessive vegetative growth. Of the two, phosphorus is usually the limiting nutrient that controls the growth of algae in lakes. The orthophosphorous form of phosphorus is readily available for plant growth. The ammonium form of nitrogen can also have severe effects on surface water quality. The ammonium is converted to nitrate and nitrite forms of nitrogen in a process called nitrification. This process consumes significant amounts of oxygen, which can impair the dissolved oxygen levels in water. The nitrate form of nitrogen is very soluble and is found naturally at low levels in water. When nitrogen fertilizer is applied to lawns or other areas more than needed by the plant, nitrates can leach below the root zone, eventually reaching ground water. Orthophosphate from auto emissions also contributes phosphorus in areas with heavy automobile traffic. Generally, nutrient export is greatest from development sites with the most impervious areas. Other problems resulting from excess nutrients are: 1) surface algal scums; 2) water discolorations; 3) odors; 4) toxic releases; and 5) overgrowth of plants. Common measures for nutrients are total nitrogen, organic nitrogen, total Kjeldahl nitrogen (TKN), nitrate, ammonia, total phosphate, and total organic carbon (TOC).
- Trace Metals. Trace metals are primarily a concern because of their toxic effects on aquatic life, and their potential to contaminate drinking water supplies. The most common trace metals found in urban runoff are lead, zinc, and copper. Fallout from automobile emissions is also a major source of lead in urban areas. A large fraction of the trace metals in urban runoff are attached to sediment; this effectively reduces the level, which is immediately available for biological uptake and subsequent bioaccumulation. Metals associated with sediment settle out rapidly and accumulate in the soils. Urban runoff events typically occur over a shorter duration, reducing the amount of exposure, which could be toxic to the aquatic environment. The toxicity of trace metals in runoff varies with the hardness of the receiving water. As total hardness of the water increases, the threshold concentration levels for adverse effects increases.
- Oxygen-Demanding Substances. Aquatic life is dependent on the dissolved oxygen in the water. When organic matter is consumed by microorganisms, dissolved oxygen is consumed in the process. A rainfall event can deposit significant quantities of oxygen-demanding substance in lakes and streams. The biochemical oxygen demand of typical urban runoff is on the same order of magnitude as the effluent from an effective secondary wastewater treatment plant. A problem from low dissolved oxygen (DO) results when the rate of oxygen-demanding material exceeds the rate of replenishment. Oxygen demand is estimated by direct measure of DO and indirect measures such as biochemical oxygen demand (BOD), chemical oxygen demand (COD), oils and greases, and TOC.
- Bacteria. Bacteria levels in undiluted urban runoff exceed public health standards for water contact recreation almost without exception. Studies have found that total coliform counts exceeded the US Environmental Protection Agency's (EPA) water quality criteria



at almost every site and almost every time it rained. The coliform bacteria that are detected may not be a health risk by themselves but are often associated with human pathogens.

- **Oil and Grease.** Oil and grease contain a wide variety of hydrocarbons, some of which could be toxic to aquatic life in low concentrations. These materials initially float on water and create the familiar rainbow-colored film. Hydrocarbons have a strong affinity for sediment and quickly become absorbed to it. The major source of hydrocarbons in urban runoff is through leakage of crankcase oil and other lubricating agents from automobiles. Hydrocarbon levels are highest in the runoff from parking lots, roads, and service stations. Residential land uses generate less hydrocarbon export, although illegal disposal of waste oil into stormwater can be a local problem.
- **Other Toxic Chemicals.** Priority pollutants are generally related to hazardous wastes or toxic chemicals and can be sometimes detected in stormwater. Priority pollutant scans have been conducted in previous studies of urban runoff, which evaluated the presence of over 120 toxic chemicals and compounds. The scans rarely revealed toxins that exceeded the current safety criteria. The urban runoff scans were primarily conducted in suburban areas not expected to have many sources of toxic pollutants (possibly except for illegally disposed or applied household hazardous wastes). Measures of priority pollutants in stormwater include: 1) phthalate (plasticizer compound); 2) phenols and creosols (wood preservatives); 3) pesticides and herbicides; 4) oils and greases; and 5) metals.

Physical Characteristics of Surface Water Quality

Standard parameters, which can assess stormwater quality, provide a method of measuring impairment. A background of these typical characteristics assists in understanding water quality requirements. The quantity of a material in the environment and its characteristics determine the degree of availability as a pollutant in surface runoff. In an urban environment, the quantity of certain pollutants in the environment is a function of the intensity of the land use. For instance, high automobile traffic volumes cause various potential pollutants (such as lead and hydrocarbons) to be more prevalent. The availability of a material, such as a fertilizer, is a function of the quantity and the way in which it is applied. Applying fertilizer in quantities that exceed plant needs leaves the excess nutrients available for loss to surface or ground water.

The physical properties and chemical constituents of water traditionally have served as the primary means for monitoring and evaluating water quality. Evaluating the condition of water through a water quality standard refers to its physical, chemical, or biological characteristics. There are many types and classifications of water quality parameters for stormwater. Typically, the concentration of an urban pollutant, rather than the annual load of that pollutant, is required to assess a water quality problem. Some of the physical, chemical, or biological characteristics that evaluate the quality of the surface runoff are listed below.

- **Dissolved Oxygen.** DO in the water has a pronounced effect on the aquatic organisms and the chemical reactions that occur. It is one of the most important biological water quality characteristics in the aquatic environment. The DO concentration of a water body



is determined by the solubility of oxygen, which is inversely related to water temperature, pressure, and biological activity. DO is a transient property that can fluctuate rapidly in time and space and represents the status of the water system at a point and time of sampling. The decomposition of organic debris in water is a slow process, as are the resulting changes in oxygen status. The oxygen demand is an indication of the pollutant load and includes measurements of biochemical oxygen demand or chemical oxygen demand.

- *Biochemical Oxygen Demand*. The BOD is an index of the oxygen-demanding properties of the biodegradable material in the water. Samples are taken from the field and incubated in the laboratory at 20°C, after which the residual dissolved oxygen is measured. The BOD value commonly referenced is the standard 5-day values. These values are useful in assessing stream pollution loads and for comparison purposes.
- *Chemical Oxygen Demand*. The COD is a measure of the pollutant loading in terms of complete chemical oxidation using strong oxidizing agents. It can be determined quickly because it does not rely on bacteriological actions as with BOD. COD does not necessarily provide a good index of oxygen demanding properties in natural waters.
- *Total Dissolved Solids*. TDS concentration is determined by evaporation of a filtered sample to obtain residue whose weight is divided by the sample volume. The TDS of natural waters varies widely. There are several reasons why TDS is an important indicator of water quality. Dissolved solids affect the ionic bonding strength related to other pollutants such as metals in the water. TDS are also a major determinant of aquatic habitat. TDS affects saturation concentration of dissolved oxygen and influences the ability of a water body to assimilate wastes. Eutrophication rates depend on TDS.
- *pH*. The pH of water is the negative log, base 10, of the hydrogen ion (H⁺) activity. A pH of 7 is neutral; a pH greater than 7 indicates alkaline water; a pH less than 7 represents acidic water. In natural water, carbon dioxide reactions are some of the most important in establishing pH. The pH at any one time is an indication of the balance of chemical equilibrium in water and affects the availability of certain chemicals or nutrients in water for uptake by plants. The pH of water directly affects fish and other aquatic life; generally, toxic limits are pH values less than 4.8 and greater than 9.2.
- *Alkalinity*. Alkalinity is the opposite of acidity, representing the capacity of water to neutralize acid. Alkalinity is also linked to pH and is caused by the presence of carbonate, bicarbonate, and hydroxide, which are formed when carbon dioxide is dissolved. A high alkalinity is associated with a high pH and excessive solids. Most streams have alkalinities less than 200 milligrams per liter (mg/l). Ranges of alkalinity of 100-200 mg/l seem to support well-diversified aquatic life.
- *Specific Conductance*. The specific conductivity of water, or its ability to conduct an electric current, is related to the total dissolved ionic solids. Long-term monitoring of project waters can develop a relationship between specific conductivity and TDS. Its measurement is quick and inexpensive and can be used to approximate TDS. Specific



conductivities more than 2000 microohms per centimeter ($\mu\text{ohms/cm}$) indicate a TDS level too high for most freshwater fish.

- ***Turbidity.*** The clarity of water is an important indicator of water quality that relates to the alkalinity of photosynthetic light to penetrate. Turbidity is an indicator of the property of water that causes light to become scattered or absorbed. Turbidity is caused by suspended clays and other organic particles. It can be used as an indicator of certain water quality constituents, such as predicting sediment concentrations.
- ***Nitrogen.*** Sources of nitrogen in stormwater are from the additions of organic matter to water bodies or chemical additions. Ammonia and nitrate are important nutrients for the growth of algae and other plants. Excessive nitrogen can lead to eutrophication since nitrification consumes dissolved oxygen in the water. Nitrogen occurs in many forms. Organic nitrogen breaks down into ammonia, which eventually becomes oxidized to nitrate-nitrogen, a form available for plants. High concentrations of nitrate-nitrogen (N/N) in water can stimulate growth of algae and other aquatic plants, but if phosphorus (P) is present, only about 0.30 mg/l of nitrate-nitrogen is needed for algal blooms. Some fish life can be affected when nitrate-nitrogen exceeds 4.2 mg/l. There are several ways to measure the various forms of aquatic nitrogen. Typical measurements of nitrogen include Kjeldahl nitrogen (organic nitrogen plus ammonia), ammonia, nitrite plus nitrate, nitrite, and nitrogen in plants. The principal water quality criterion for nitrogen focuses on nitrate and ammonia.
- ***Phosphorus.*** Phosphorus is an important component of organic matter. In many water bodies, phosphorus is the limiting nutrient that prevents additional biological activity from occurring. The origin of this constituent in urban stormwater discharge is generally from fertilizers and other industrial products. Orthophosphate is soluble and considered the only biologically available form of phosphorus. Since phosphorus strongly associates with solid particles and is a significant part of organic material, sediments influence concentration in water and are an important component of the phosphorus cycle in streams. Important methods of measurement include detecting orthophosphate and total phosphorus.

WATERSHED

The project area is within the Lower San Jacinto River Watershed and Murrieta Creek Watershed in Riverside County.¹ The main drainage within the Lower San Jacinto River Watershed is the San Jacinto River. The Lower San Jacinto River Watershed's total area is approximately 232,732 acres and the San Jacinto River and its tributaries collectively drain into the San Jacinto Valley's northwestern side. The Murrieta Creek Watershed main drainages are Murrieta Creek and Tualota Creek. The Murrieta Creek Watershed's total area is approximately 141,872 acres and Murrieta Creek and its tributaries collectively drain into the Temecula Valley's northern side.

¹ Department of Water Resources, SGMA Basin Prioritization Dashboard, <https://gis.water.ca.gov/app/bp-dashboard/final/>, accessed November 19, 2021.



According to the California Department of Water Resources (DWR), the West San Jacinto River Watershed is categorized as a “high” priority basin.² Under the Sustainable Groundwater Management Act (SGMA), each “high” and “medium” priority basin is required to have a Groundwater Sustainability Agency that will be responsible for groundwater management and development of a Groundwater Sustainability Plan. The Eastern Municipal Water District (EMWD) Board of Directors is the Groundwater Sustainability Agency for the San Jacinto Groundwater Basin and is responsible for development and implementation of a Groundwater Sustainability Plan.³

There is no groundwater sustainability plan established for the Murrieta Creek Watershed as it is categorized as a “very low” priority basin by the DWR.⁴

STORM DRAIN FACILITIES

Regional drainage facilities are owned and operated by the Riverside County Flood Control and Water Conservation District (Riverside County FCWCD). Major Riverside County FCWCD facilities within the project area include the following:⁵

- Salt Creek Channel
- Hemet Storm Channel
- Juniper Flats Road Detention Basin
- Homeland MPD Briggs Road Detention Basin

SURFACE WATER QUALITY

The project area’s surface water resources include Warm Springs Creek, Diamond Valley Lake, and Lake Skinner. Warm Springs Creek is impaired for chlorpyrifos, indicator bacteria, iron, manganese, nitrogen, and phosphorus.⁶ For all pollutants, the source is unknown. The TMDL Requirement Status is 5A (a water segment where standards are not met and a TMDL is required, but not yet completed). The TMDL scheduled completion data for all impairments is 2021. The two lakes are unassessed and therefore impairment information is unavailable. Warm Springs Creek’s beneficial uses are Municipal and Domestic Supply, Agricultural Supply,

2 Ibid.

3 Eastern Municipal Water District, *Sustainable Groundwater Management Act*, <https://www.emwd.org/post/sustainable-groundwater-management-act>, accessed November 19, 2021.

4 Department of Water Resources, *SGMA Basin Prioritization Dashboard*, <https://gis.water.ca.gov/app/bp-dashboard/final>, accessed November 19, 2021.

5 Riverside County FCWCD, *Facilities and Properties Online Map*, <https://content.rcflood.org/webmaps/rcfc/>, accessed November 19, 2021.

6 SWRCB 2021, *Final 2014/2016 California Integrated Report (Clean Water Act Section 303(d) List / 305(b) Report) Map*, https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml, accessed May 2021.



Industrial Service Supply, Industrial Process Supply, Non-contact Water Recreation, Warm Freshwater Habitat, and Wildlife Habitat.⁷

GROUNDWATER

According to EIR No. 521, the San Jacinto Groundwater Basin underlies most of the project area, while the Temecula Valley Groundwater Basin underlies the southern portion. The San Jacinto Groundwater Basin underlies the San Jacinto, Perris, Moreno, and Menifee valleys in western Riverside County. This basin is bounded by the Box Mountains on the north, the San Timoteo Badlands on the northeast, the Santa Rosa Hills and Bell Mountain on the south, the San Jacinto Mountains on the east, and unnamed hills on the west. Natural recharge to the basin is primarily from percolation of flow in the San Jacinto River and its tributary streams; less recharge is from infiltration of rainfall on the valley floor. The San Jacinto Groundwater Basin's estimated total groundwater storage capacity is 3,070,000 acre feet (af).⁸

The Temecula Valley Groundwater Basin underlies several valleys in southwestern Riverside County and a portion of northern San Diego County. Murrieta, Temecula, Pauba, Long, and Lancaster Valleys are largest of the valleys overlying this basin. The overlying valleys are drained mainly by Wilson, Temecula, Murrieta, Warm Springs, and Pechanga Creeks to the Santa Margarita River, which flows west out of Temecula Valley. Natural alluvium recharge is from direct precipitation and percolation in the Warm Springs, Tocalota, Santa Gertrudis, Murrieta, and Pechanga Creeks and the Temecula River. The Temecula Valley Groundwater Basin's estimated total storage capacity is 253,000 af.⁹

Potable water would be obtained from the Eastern Municipal Water District (EMWD). Most of EMWD's potable (drinking) water demand is supplied by imported water from The Metropolitan Water District of Southern California through its Colorado River Aqueduct and its connections to the State Water Project. Approximately 20 percent of EMWD's potable (drinking) water demand is supplied by EMWD groundwater wells. Most of the groundwater produced by EMWD comes from its wells in the Hemet and San Jacinto area.¹⁰

FLOOD HAZARDS

As depicted on Exhibit 4.10-1, *FEMA Flood Hazard Map*, the majority of the project area is within Zone X. FEMA defines Zone X as areas of moderate flood hazard and usually between the limits of the 100-year and 500-year flood zones. Northerly and easterly portions of Diamond Valley Lake within the project area are in Zone A, as are areas associated with the Salt Creek and Hemet Storm Channel floodplain. Zone A areas have a one percent annual chance of flooding. The project area's southern portion is located in Zone D. Zone D areas have possible but undetermined flood hazards. No flood hazard analysis has been conducted in these areas.

7 San Diego RWQCB, *Water Quality Control Plan for the San Diego Basin*, 1994.

8 Department of Water Resources, *California Groundwater Bulletin 118: San Jacinto Groundwater Basin*, January 20, 2006.

9 Department of Water Resources, *California Groundwater Bulletin 118: Temecula Valley Groundwater Basin*, April 27, 2004.

10 Eastern Municipal Water District, *Water Supply*, <https://www.emwd.org/water-supply>, accessed November 19, 2021.



DAM INUNDATION

As depicted on [Exhibit 4.10-2, *Dam Failure Inundation Map*](#), portions of the project area are located within the dam breach inundation areas for Diamond Valley Lake and Lake Skinner.

4.10.2 REGULATORY SETTING

FEDERAL LEVEL

Clean Water Act

The principal law governing pollution of the nation's surface waters is the Federal Water Pollution Control Act (Clean Water Act [CWA]). Originally enacted in 1948, it was amended in 1972 and has remained substantially the same since. The CWA consists of two major parts: provisions that authorize Federal financial assistance for municipal sewage treatment plant construction and regulatory requirements that apply to industrial and municipal dischargers. The CWA authorizes the establishment of effluent standards on an industry basis. The CWA also requires states to adopt water quality standards that "consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses."

The CWA forms the basic national framework for the management of water quality and the control of pollution discharges; it provides the legal framework for several water quality regulations, including the National Pollutant Discharge Elimination System (NPDES), effluent limitations, water quality standards, pretreatment standards, antidegradation policy, nonpoint source discharge programs, and wetlands protection. The EPA has delegated the responsibility for administration of portions of the CWA to State and regional agencies.

Impaired Water Bodies

CWA Section 303(d) and California's Porter-Cologne Water Quality Control Act (described below) require that the State establish the beneficial uses of its State waters and to adopt water quality standards to protect those beneficial uses. Section 303(d) establishes a TMDL, which is the maximum quantity of a contaminant that a water body can maintain without experiencing adverse effects, to guide the application of State water quality standards. Section 303(d) also requires the State to identify "impaired" streams (water bodies affected by the presence of pollutants or contaminants) and to establish the TMDL for each stream.

National Pollutant Discharge Elimination System

To achieve its objectives, the CWA is based on the concept that all discharges into the nation's waters are unlawful, unless specifically authorized by a permit. The National Pollutant Discharge Elimination System (NPDES) is the permitting program for discharge of pollutants into surface waters of the United States under CWA Section 402. Thus, industrial and municipal dischargers (point source discharges) must obtain NPDES permits from the appropriate RWQCB. The existing NPDES (Phase I) stormwater program requires municipalities serving more than 1,000,000 persons to obtain a NPDES stormwater permit for any construction project larger than five acres. Proposed NPDES stormwater regulations (Phase II) expand this existing national program to smaller municipalities with populations of 10,000 persons or more and construction



sites that disturb more than 1 acre. For other dischargers, such as those affecting groundwater or from nonpoint sources, a Report of Waste Discharge must be filed with the RWQCB. For specified situations, some permits may be waived, and some discharge activities may be handled through being included in an existing General Permit.

National Flood Insurance Program

Congress passed the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. These acts are intended to reduce the need for large publicly funded flood control structures and disaster relief by restricting development on floodplains.

The National Flood Insurance Program (NFIP) provides a means for property owners to financially protect themselves from flood damage. The NFIP offers flood insurance to homeowners, renters, and business owners if their community participates in the program. Participating communities agree to adopt and enforce ordinances that meet or exceed FEMA requirements to reduce the risk of flooding.

Through its Flood Hazard Mapping Program, FEMA identifies flood hazards, assesses flood risks and partners with states and communities to provide accurate flood hazard and risk data. Flood Hazard Mapping is an important part of the NFIP, as it is the basis of the NFIP regulations and flood insurance requirements. FEMA maintains and updates data through FIRMs and risk assessments. A FIRM is an official map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.

A Special Flood Hazard Area (SFHA) is an area within a floodplain having a 1 percent or greater chance of flood occurrence within any given year (commonly referred to as the 100-year flood zone). SFHAs are delineated on flood hazard boundary maps issued by FEMA. The Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994 make flood insurance mandatory for most properties in SFHAs.

STATE LEVEL

California Toxics Rule

The California Toxics Rule is a Federal regulation issued by the EPA providing water quality criteria for potentially toxic constituents in receiving waters with human health or aquatic life designated uses in the State of California. The California Toxics Rule criteria are applicable to the receiving water body and therefore must be calculated based upon the probable hardness values of the receiving waters for evaluation of acute (and chronic) toxicity criteria. At higher hardness values for the receiving water, copper, lead, and zinc are more likely to be complexed (bound with) components in the water column. This in turn reduces the bioavailability and resulting potential toxicity of these metals.

California Water Code

The California Water Code is the principal State law regulating water quality in the State. Other State codes contain water quality provisions requiring compliance as they relate to specific activities. The California Water Code regulates water and its uses. Division 7 of the California Water Code, also known as the Porter-Cologne Water Quality Control Act, establishes a program



to protect water quality and beneficial uses of the State water resources and includes both ground and surface waters. The SWRCB and the RWQCB are the principal State agencies responsible for control of water quality. They establish waste discharge requirements, oversee water quality control and monitoring, enforce discharge permits, and set groundwater and surface water quality objectives. They also prevent the waste and unreasonable use of water and adjudicate water rights.

Porter-Cologne Water Quality Control Act

The CWA places the primary responsibility for the control of surface water pollution and for planning the development and use of water resources with the states, although it establishes certain guidelines for the states to follow in developing their programs and allows the EPA to withdraw control from states with inadequate implementation mechanisms.

California's primary statute governing water quality and water pollution issues with respect to both surface waters and groundwater is the Porter-Cologne Water Quality Control Act (Water Code Sections 13000, et seq.). The Porter-Cologne Act grants the State Water Resources Control Board (SWRCB) and the RWQCB's authority and responsibility to adopt plans and policies, to regulate discharges to surface and groundwater, to regulate waste disposal sites, and to require cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also establishes reporting requirements for unintended discharges of any hazardous substance, sewage, or oil or petroleum product.

Each RWQCB must formulate and adopt a water quality control plan for its region. The regional plans are to conform to the policies set forth in the Porter-Cologne Act and established by the SWRCB in its State water policy. The Porter-Cologne Act also provides that a RWQCB may include within its regional plan water discharge prohibitions applicable to particular conditions, areas, or types of waste.

State Water Resources Control Board

The SWRCB administers water rights, water pollution control, and water quality functions throughout the State, while the RWQCBs conduct planning, permitting, and enforcement activities. For the proposed project, the NPDES permit is divided into two parts: construction and post-construction. Construction permitting is administered by the SWRCB, while post-construction permitting is administered by the RWQCB. In California, NPDES permits are also referred to as waste discharge requirements (WDRs) that regulate discharges to waters of the United States.

Construction General Permit Order 2009-0009-DWQ

On November 16, 1990, the EPA published final regulations that established stormwater permit application requirements for specified categories of industries. The regulations provide that discharges of stormwater to waters of the United States from construction projects are effectively prohibited unless the discharge complies with an NPDES Permit. On August 19, 1999, the SWRCB reissued the General Construction Stormwater Permit (Water Quality Order 99-08-DWQ). On December 8, 1999, the SWRCB amended Order 99-08-DWQ to apply to sites as small as one acre.



Dischargers whose projects disturb one (1) or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Stormwater Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore a facility's original line, grade, or capacity.

To obtain coverage under the Construction General Permit, Permit Registration Documents (PRDs), including a Notice of Intent (NOI), Risk Assessment, Site Map, and Storm Water Pollution Prevention Plan (SWPPP), among others, must be filed with the SWRCB prior to the commencement of construction activity. The NOI would notify the SWRCB of the applicant's intent to comply with the Construction General Permit. The SWPPP, which must be prepared by a certified Qualified SWPPP Developer (QSD), would include a list of best management practices (BMPs) the discharger would use to protect stormwater runoff and the placement of those BMPs.¹¹ Additionally, the project's SWPPP must contain a visual monitoring program and a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs.

Groundwater Management Act

In 1992, the State Legislature provided for more formal groundwater management with the passage of Assembly Bill (AB) 3030, the Groundwater Management Act (Water Code Section 10750, et seq.). Groundwater management, as defined in DWR's Bulletin 118 Update 2003, is the planned and coordinated monitoring, operation, and administration of a groundwater basin, or portion of a basin, with the goal of long-term groundwater resource sustainability. Groundwater management needs are generally identified and addressed at the local level in the form of groundwater management plans (GMP). The act provides local water agencies with procedures to develop a GMP to enable those agencies to manage their groundwater resources efficiently and safely while protecting the quality of supplies. Under the act, development of a GMP by a local water agency is voluntary.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA) established a framework for sustainable, local groundwater management. SGMA requires groundwater-dependent regions to halt overdraft and bring basins into balanced levels of pumping and recharge. With passage of the SGMA, the Department of Water Resources launched the Sustainable Groundwater

¹¹ The EPA defines BMPs as "a practice or combination of practices that are determined to be the most effective and practicable (including technological, economic, and institutional considerations) means of controlling point and nonpoint source pollutants at levels compatible with environmental quality goals." BMPs involve programs and policies, including structural controls that are implemented to control the discharge of pollutants. (U.S. Environmental Protection Agency Website, *Vocabulary Catalog, Drinking Water Technical & Legal Terms*, https://ofmpub.epa.gov/sor_internet/registry/termreg/searchandretrieve/glossariesandkeywordlists/search.do?details=&glossaryName=Drink%20Water%20Tech/Legal%202009#formTop, accessed August 25, 2020.



Management (SGM) Program to implement the law and provide ongoing support to local agencies around the state. The SGMA

- Establishes a definition of “sustainable groundwater management”;
- Requires that a Groundwater Sustainability Plan be adopted for the most important groundwater basins in California;
- Establishes a timetable for adoption of Groundwater Sustainability Plans;
- Empowers local agencies to manage basins sustainably;
- Establishes basic requirements for Groundwater Sustainability Plans; and
- Provides for a limited state role.

Specifically, SGMA requires local public agencies and groundwater sustainability agencies in high- and medium-priority basins to develop and implement groundwater sustainability plans (GSPs) or prepare an alternative to a GSP.

REGIONAL LEVEL

Porter-Cologne Water Quality Control Act

Responsibility for the protection of water quality in California rests with the SWRCB and the nine RWQCBs. The SWRCB establishes statewide policies and regulations for the implementation of water quality control programs mandated by Federal and State water quality statutes and regulations. The RWQCBs develop and implement Water Quality Control Plans (Basin Plans) that consider regional beneficial uses, water quality characteristics, and water quality problems. The northern portion of the project area is in the jurisdiction of the Santa Ana RWQCB (Region 8) and the southern portion of the project area is within the San Diego RWQCB (Region 9), which implement a number of Federal and State laws, the most important of which are the Porter-Cologne Water Quality Control Act and the Federal Clean Water Act.

Water Quality Control Plans

Each RWQCB adopts a Basin Plan that recognizes and reflects regional differences in existing water quality, the beneficial uses of the region’s groundwater and surface waters, and local water quality conditions and problems. Water quality problems in the region are listed in the Basin Plans, along with the causes, where they are known. Each RWQCB sets water quality objectives that will ensure the reasonable protection of beneficial uses and the prevention of nuisance, with the understanding that water quality can be changed somewhat without unreasonably affecting beneficial uses. The northern portion of the project area is covered under the Water Quality Control Plan for the Santa Ana River Basin and the southern portion of the project site is covered under the Water Quality Control Plan for the San Diego Basin.^{12,13}

¹² Santa Ana RWQCB, *Water Quality Control Plan for the Santa Ana River Basin*, accessed February 2016.

¹³ San Diego RWQCB, *Water Quality Control Plan for the San Diego Basin*, accessed September 1, 2021.



Regional Water Quality Control Board Permitting Programs

The Santa Ana and San Diego RWQCBs develop regulations and enforces State policies that protect State waters. The regional boards are responsible for developing and revising the regional basin plan, implementing the NPDES program, permitting waste discharges to State waters, and enforcing waste discharge cleanups. The Water Quality Control Plan for the Santa Ana River Basin and Water Quality Control Plan for the San Diego Basin designate beneficial uses for water bodies in the region and establish water quality objectives and implementation plans to protect those beneficial uses.

All wastewater discharges in the region, whether to surface waters or groundwater, are subject to waste discharge requirements (WDRs); all reuses of treated wastewater are subject to water reclamation requirements (WRRs). In addition, the EPA has delegated responsibility for water quality to the SWRCB and the nine RWQCBs for implementation of the Federal National Pollutant Discharge Elimination System program. Therefore, WDRs for discharges to surface waters also serve as NPDES permits. These combined programs are the legal means to regulate controllable discharges of water. It is illegal to discharge any wastes into any waters of the State or to reuse treated wastewaters without obtaining appropriate waste discharge requirements, water reclamation requirements, or NPDES permits. These permits hereinafter are referred to as requirements.

Any facility or person who discharges, or proposes to discharge, wastes or makes a material change to the character, location, or volume of waste discharges to waters in the Santa Ana River Basin or San Diego Basin Region (other than into a community sewer system) must describe the quantity and nature of the proposed discharge in a Report of Waste Discharge (ROWD) or an NPDES application. Upon review of the ROWD or NPDES application and all other pertinent information (including comments received at a public hearing), the applicable RWQCB will consider the issuance of requirements that incorporate appropriate measures and limitations to protect public health and water quality. The requirements' basic components are discharge limitations (including, if required, effluent and receiving water limits):

- Standard requirements and provisions outlining the discharger's general discharge requirements and monitoring and reporting responsibilities; and
- A monitoring program in which the discharger is required to collect and analyze samples and submit monitoring reports to the RWQCB on a prescribed schedule.

Discharges are categorized according to their threat to water quality and their operational complexity. In addition, discharges to surface waters are categorized as major or minor discharges. Filing and annual fees are based on these categories. WDRs or WRRs usually do not have an expiration date but are reviewed periodically based on the level of threat to water quality. NPDES permits are adopted for a five-year period.

Most requirements are tailored to specific waste discharges. In some cases, however, discharges can be regulated under general requirements, which simplify the permit process for certain types of discharges. These general requirements are issued administratively to the discharger after a completed Report of Waste Discharge or NPDES application has been filed and the RWQCB Executive Officer has determined that the discharge meets the conditions



specified in the general requirements. Point-source discharges include wastewaters from new residential development, industrial and manufacturing facilities, construction sites, and power generation stations.

Clean Water Act Section 401 – Water Quality Certification

In addition to the issuance of NPDES permits or waste discharge requirements, the Santa Ana and San Diego RWQCB act to protect the quality of surface waters through water quality certification as specified in Clean Water Act Section 401 (33 United States Code [USC] 466 et seq.). Section 401 requires that any person applying for a Federal permit or license which may result in a discharge of pollutants into waters of the United States obtain a state water quality certification that the activity complies with all applicable water quality standards, limitations, and restrictions. Subject to certain limitations, no license or permit may be issued by a Federal agency until certification required by Section 401 has been granted. Further, no license or permit may be issued if certification has been denied. CWA Section 404 permits and authorizations are subject to Section 401 certification by the RWQCBs.

Final Upper Santa Margarita Watershed Integrated Regional Water Management Plan Update

The final the Upper Santa Margarita Watershed Integrated Regional Water Management Plan (IRWMP) , prepared and governed by the Regional Water Management Group (Rancho California Water District, Riverside County FCWCD, and County of Riverside (County)) is a planning and management tool to facilitate efficient use of water resources and to develop effective water conservation measures, using a regional and watershed-based approach.¹⁴ The IRWMP's intent is to enable greater watershed-wide coordination and management of water resources within the Santa Margarita Watershed as a whole, and adjoining watersheds, as well as regional planning and funding efforts. Through the IRWMP, regional water agencies, flood control districts, counties, cities, Federal, State, and local agencies, and other stakeholder groups actively collaborate across jurisdictional boundaries to implement water resource management plans. The IRWMP also provides opportunities to identify and evaluate information on present and future needs within the watershed for consideration in the California Water Plan.

IRWMP's development for the Upper Santa Margarita Watershed represents a cooperative effort on the part of three agencies (Rancho California Water District, Riverside County FCWCD, and Riverside County) that have authority for planning and implementation of water management strategies within the watershed, and the project itself.

The Upper Santa Margarita Watershed IRWMP goals are to:

1. Increase diversification of the water supply portfolio
2. Maximize groundwater potential

14 Rancho California Water District, *Integrated Regional Water Management (IRWM) Planning Region*, <https://www.ranchowater.com/255/Integrated-Regional-Water-Management-IRW>, accessed November 19, 2021.



4.10 Hydrology and Water Quality

3. Protect and improve local surface water quality
4. Promote integrated flood management
5. Protect, restore, and enhance aquatic/riparian habitat
6. Promote economic, social, land use and environmental sustainability

There are multiple objectives associated with each goal such as reducing controllable pollutant sources to 303(d) listed receiving waters and reducing regional potable water consumption.

Water quality in the region is further guided by the Santa Margarita River Water Quality Improvement Plan (WQIP), which “is a requirement of updated stormwater regulations adopted by the Regional Water Quality Control Board (Regional Board) according to Order No. R9-2013-0001, as amended by Order Nos. R9 2015-0001 and R9-2015-0100. The WQIP’s goal is to protect, preserve, enhance, and restore water quality of receiving water bodies. These improvements in water quality will be accomplished through an adaptive planning and management process that identifies the highest priority water quality conditions within the watershed and implements strategies to address them.”

Groundwater Sustainability Plan for the San Jacinto Groundwater Basin

In September 2021, EMWD developed its Groundwater Sustainability Plan (GSP) for the San Jacinto Groundwater Basin in compliance with the SGMA. The GSP was developed by EMWD as the Groundwater Sustainability Agency (GSA) in accordance with the DWR GSP Regulations to apply to the entirety of the San Jacinto Groundwater Basin (DWR Basin 8-005) that is not adjudicated. The purpose of this GSP is to define the groundwater conditions that will be used to ensure ongoing, long-term, sustainable management of the groundwater resources within the Plan Area. The groundwater resources of the San Jacinto Groundwater Basin support domestic, agricultural, municipal, industrial, and environmental uses. The GSP identifies the following long-term sustainable management practices for the Basin:

- Maintaining sufficient groundwater in storage to allow for ongoing groundwater production that meets the operational demands of groundwater users in the Plan Area.
- Protecting beneficial uses such as municipal and domestic supplies of fresh groundwater resources in the Lakeview and Perris North Groundwater Management Zones (GMZs) to the extent possible, by minimizing the northward and eastward migration of brackish groundwater from the Perris South GMZ.
- Avoiding subsidence related to groundwater production that substantially interferes with surface land uses.
- Ensuring that groundwater production does not result in significant and unreasonable loss of groundwater dependent ecosystems



County of Riverside General Plan

Multipurpose Open Space Element

The following policies contained in the County of Riverside General Plan Multipurpose Open Space Element are applicable to the project in regard to hydrology and water quality:

- OS 1.1 Balance consideration of water supply requirements between urban, agricultural, and environmental needs so that sufficient supply is available to meet each of these different demands.
- OS 1.2 Develop a repository for the collection of county water resource information.
- OS 1.3 Provide active leadership in the regional coordination of water resource management and sustainability efforts affecting Riverside County and continue to monitor and participate in, as appropriate, regional activities, addressing water resources, groundwater, and water quality, such as a Groundwater Management Plan, to prevent overdraft caused by population growth.
- OS 1.4 Promote the use of recycled water for landscape irrigation.
- OS 2.1 Implement a water-efficient landscape ordinance and corresponding policies that promote the use of water-efficient plants and irrigation technologies, minimizes the use of turf, and reduces water-waste without sacrificing landscape quality.
- OS 2.2 Encourage the installation of water-conserving systems such as dry wells and graywater systems, where feasible, especially in new developments. The installation of cisterns or infiltrators shall also be encouraged to capture rainwater from roofs for irrigation in the dry season and flood control during heavy storms.
- OS 2.3 Seek opportunities to coordinate water-efficiency policies and programs with water service providers.
- OS 2.4 Support and engage in educational outreach programs with other agencies, the public, homebuilders, landscape installers, and nurseries that promote water conservation and widespread use of water-efficient technologies.
- OS 2.5 Encourage continued agricultural water conservation and recommend the following practices where appropriate and feasible: lining canals, recovering tail water at the end of irrigated fields, and appropriate scheduling of water deliveries.
- OS 3.2 Encourage wastewater treatment innovations, sanitary sewer systems, and groundwater management strategies that protect groundwater quality in rural areas.
- OS 3.3 Minimize pollutant discharge into storm drainage systems, natural drainages, and aquifers.



- OS 3.4 Review proposed projects to ensure compliance with the National Pollutant Discharge Elimination System (NPDES) Permits and require them to prepare the necessary Stormwater Pollution Prevention Program (SWPPP).
- OS 3.5 Integrate water runoff management within planned infrastructure and facilities such as parks, street medians and public landscaped areas, parking lots, streets, etc. where feasible.
- OS 3.6 Design the necessary stormwater detention basins, recharge basins, water quality basins, or similar water capture facilities to protect water-quality. Such facilities should capture and/or treat water before it enters a watercourse. In general, these facilities should not be placed in watercourses, unless no other feasible options are available.
- OS 3.7 Where feasible, decrease stormwater runoff by reducing pavement in development areas, reducing dry weather urban runoff, and by incorporating “Low Impact Development,” green infrastructure and other Best Management Practice design measures such as permeable parking bays and lots, use of less pavement, bio-filtration, and use of multi-functional open drainage systems, etc.
- OS 4.1 Support efforts to create additional water storage where needed, in cooperation with Federal, State, and local water authorities. Additionally, support and/or engage in water banking in conjunction with these agencies where appropriate, as needed.
- OS 4.2 Participate in the development, implementation, and maintenance of a program to recharge the aquifers underlying the county. The program shall make use of flood and other waters to offset existing and future groundwater pumping, except where:
- a) The groundwater quality would be reduced;
 - b) The available groundwater aquifers are full; or
 - c) Rising water tables threaten the stability of existing structures.
- OS 4.3 Ensure that adequate aquifer water recharge areas are preserved and protected.
- OS 4.4 Incorporate natural drainage systems into developments where appropriate and feasible.
- OS 4.5 Encourage streets in a vicinity of watercourses to include park strips or other open space areas that allow permeability.
- OS 4.6 Retain storm water at or near the site of generation for percolation into the groundwater to conserve it for future uses and to mitigate adjacent flooding. Such retention may occur through “Low Impact Development” or other Best Management Practice measures.



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- OS 4.8 Use natural approaches to managing streams, to the maximum extent possible, where groundwater recharge is likely to occur.
- OS 6.1 During the development review process, ensure compliance with the Clean Water Act's § 404 in terms of wetlands mitigation policies and policies concerning fill material in jurisdictional wetlands.
- OS 6.2 Preserve buffer zones around wetlands where feasible and biologically appropriate.
- OS 6.3 Consider wetlands for use as natural water treatment areas that will result in improvement of water quality.
- OS 18.1 Preserve multi-species habitat resources in the County of Riverside through the enforcement of the provisions of applicable MSHCP's and through implementing related Riverside County policies.
- OS 18.4 Develop standards for the management of private conservation easements and conservation lots in fee title. For areas with watercourses, apply special standards a – f (below) for their protection, and apply standards g-j (below) generally:
- a) For conservation lands with watercourses, conform easement boundaries to setback conditions that will preserve natural flows and changes in the natural boundaries of a watercourse and its protective riparian habitat.
 - b) Use only “open” fencing that permits the movement of wildlife, and limit fencing to locations outside of setbacks to watercourses (no fencing is permitted to cross the banks or channel of a watercourse, unless no other option is available).
 - c) Allow fuel modification only to the outside of buffering vegetation (riparian vegetation and vegetation on slopes that buffer the watercourse from erosion and storm water pollution).
 - d) No planting of non-native invasive species is permitted.
 - e) No lighting of watercourse area is permitted.
 - f) Prohibit the use of pesticides and herbicides known to harm aquatic species and sensitive amphibians.
 - g) Ensure that lands under control of Homeowner's Associations employ an experienced nonprofit conservation group or agency to manage/maintain the land.
 - h) Prohibit use of recreational off-road vehicles.
 - i) Prohibit grazing and alterations of vegetation except for fuel and weed management under close supervision of qualified natural lands manager.



- j) For private conservation lands, especially those within criteria cells of MSHCP areas, ensure that easement and fee title agreements provide funding methods sufficient to manage the land in perpetuity.

Land Use Element

The following policies contained in the County of Riverside General Plan Land Use Element are applicable to the project in regard to hydrology and water quality:

- LU 5.3 Review all projects for consistency with individual urban water management plans.
- LU 9.1 Provide for permanent preservation of open space lands that contain important natural resources, cultural resources, hazards, water features, watercourses including arroyos and canyons, and scenic and recreational values.
- LU 9.2 Require that development protect environmental resources by compliance with the Multipurpose Open Space Element of the General Plan and Federal and State regulations such as CEQA, NEPA, the Clean Air Act, and the Clean Water Act
- LU 9.4 Allow development clustering and/or density transfers in order to preserve open space, natural resources, cultural resources, and biologically-sensitive resources. Wherever possible, development on parcels containing 100-year floodplains, blueline streams and other higher-order watercourses, and areas of steep slopes adjacent to them shall be clustered to keep development out of watercourse and adjacent steep slope areas, and to be compatible with other nearby land uses.

Riverside County Ordinances

The following Riverside County Ordinances contain regulations and policies that are applicable to hydrology and water quality:

Ordinance No. 427, Regulating the Land Application of Manure: Ordinance No. 427 generally regulates the transportation and application of manure in designated areas of Riverside County. No manure transporter shall deliver manure to a site for the purposes of disposal, land application or storage within the unincorporated areas regulated by either the Santa Ana River or San Diego RWQCB unless the site's landowner has a current and valid exemption as issued by the Riverside County Agricultural Commissioner. It requires the landowner to demonstrate compliance with the "Standards for Manure Use at Approved Sites" and prohibits application of manure within 100 feet of any well, among other standards. Compliance with this ordinance protects water quality for runoff, surface water, and groundwater.

Ordinance No. 457, Building Codes and Fees: This ordinance establishes the building and construction standards that include those addressing erosion, runoff, drainage, flood control and water safety. In particular, it also includes requirements for preparation of a SWPPP for construction sites, implementation of year-round BMPs on such sites and BMP monitoring and maintenance to ensure they continue to provide adequate stormwater flow/runoff protections, erosion protection and sediment controls, both during and after construction activities on a site. These measures all help protect water quality.



Ordinance No. 458, *Regulating Flood Hazard Areas and Implementing the National Flood Insurance Program*: This ordinance was adopted pursuant to NFIP requirements (Title 42, USC, § 4001 et. seq., as amended) to protect the public's health, safety, and welfare from flooding hazards. It does so by regulating development within flood hazard areas and establishing a variety of land use and construction standards for such development. The ordinance includes construction standards that apply to all new structures and substantial improvements to existing structures within Riverside County's mapped Special Flood Hazard Areas and floodplains. Among other requirements, these types of construction are required to: use materials resistant to flood damage; use construction methods and practices that minimize flood damage; and have electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities designed and located to prevent water from entering or affecting them during flooding.

Further, all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions greater than 50 lots or 5 acres are required to design and construct all utilities and facilities, including sewer, gas, electrical, propane tanks and water systems so as to minimize or eliminate flood damage. It also requires provisions of adequate drainage and obtainment of all other required State and Federal permits. All new and replacement water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the systems. New and replacement sanitary sewage systems must also be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters and onsite waste disposal systems must be located to avoid impairment or causing contamination during flooding. These measures ensure that water and wastewater systems are adequately protected from flooding and would not contaminate or be contaminated by floodwaters. Thus, this ordinance serves to protect water supplies, water and wastewater facilities and water quality for both surface water and groundwater.

Ordinance No. 461, *Road Improvement Standards*: While not addressing water resources directly, this ordinance does set forth standards for roads, bridges, and other transportation-related facilities, including those aspects of hydrology, flood control and associated drainage functions. Because of their linear and impervious nature, paved roadways typically act as conduits for water flow, particularly stormwater (urban) runoff from developed areas. In addition, they often may function informally as barriers (dams, dikes, or levees) to water flow or cause water channelization when constructed on raised beds or with tall curbs or crowns. Also, roadways often cross rivers, streams, drainages, floodplains, and similar features. All crossings must be sufficiently engineered to withstand the potential impacts of flood flows. In total, this ordinance serves to mitigate potential flooding hazards to people, property, and structures by ensuring that roads and associated improvements and features are designed, constructed, and maintained in a manner appropriate to the water flow potential and flooding hazard. It also serves to place to prevent significant adverse impacts due to road construction, runoff, and stormwater flows from roadways, as well as water erosion.

Ordinance No. 592, *Regulating Sewer Use, Sewer Construction and Industrial Wastewater Discharges in County Service Areas*: Ordinance No. 592 sets various standards for sewer use, construction, and industrial wastewater discharges within Riverside County to protect both water quality and the infrastructure conveying and treating these wastewaters. Among other things, it establishes construction requirements for sewers, laterals, house connections and other



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sewerage facilities and for abandoned sewers, septic tanks, and seepage pits in accordance with the Uniform Plumbing Code. It prohibits the discharge of rainwater, stormwater, groundwater, street drainage, subsurface drainage or yard drainage into any sewerage facility which is directly or indirectly connected to the sewerage facilities of Riverside County. Rather, these discharges must be emptied into storm drainage systems, not sanitary sewer systems.

It further protects Riverside County sewer systems and wastewater treatment facilities by prohibiting discharges (either directly or indirectly) to the county sewerage system of any of the following wastes: Gasoline, benzene, naphtha, solvent, fuel oil, flammable or explosive substances, hazardous amounts of toxic or poisonous substances, obstructive solids or viscous substances (including “asphalt, dead animals, ashes, sand, mud, straw, industrial process shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, bones, hair and flesh, entrails, paper dishes, paper cups, milk containers or similar paper products, either whole or ground”), excessive concentrations of non-biodegradable oil, petroleum oil or refined petroleum products, dispersed biodegradable oils and fats, such as lard, tallow or vegetable oil in excessive concentrations that would tend to cause adverse effects on the sewerage system, excessively high concentrations of chemicals, such as cyanide, sulfides, acids, bases, chlorides, precipitates, dyes, plastics, metals, heavy metals, radioactive materials, etc., as well as “any substances that would interfere detrimentally with wastewater treatment processes, cause a public nuisance or cause any hazardous condition to occur in the sewerage system.”

In short, this ordinance prohibits any discharges to any public sewer (which directly or indirectly connects to Riverside County’s sewerage system) any wastes that may have an adverse or harmful effect on sewers, maintenance personnel, wastewater treatment plant personnel or equipment, treatment plant effluent quality, public or private property or may otherwise endanger the public, the local environment or create a public nuisance. As a result, this ordinance serves to protect water supplies, water and wastewater facilities and water quality for both surface water and groundwater.

Ordinance No. 650, *Sewer Discharge in Unincorporated Territory*: Ordinance No. 650 protects water quality, storm drains and surface waters by prohibiting the discharge or deposition of any sewage, sewage effluent or non-hazardous waste, treated or untreated, into any streams or bodies of water above or below the ground, within Riverside County. It also makes it “unlawful for any person to install or alter plumbing facilities or drainage systems for the discharge or deposit of any sewage, sewage effluent or nonhazardous waste from any dwelling, house or building” without a County permit. It requires that sewage effluent must be disposed according to the minimum standards in the Uniform Plumbing Code’s most recent edition and the Riverside County Department of Environmental Health sewage disposal requirements. Most importantly, it specifies that if sanitary drainage system (i.e., sewer) is not available, an ‘Onsite Wastewater Treatment System’ (OWTS) (an individual or community onsite wastewater treatment, pretreatment and dispersal system including, a conventional or alternative subsurface discharge) must be provided. The type of sewage facilities installed shall be determined on the basis of location, soil porosity, site slope and ground water level, and shall be designed to receive all sanitary sewage from the property.



It also includes a variety of standards related to OWTS, including prohibition on surface drainage entering any part of the OWTS; requirements for setbacks between subsurface sewage disposal components (including septic tanks, distribution and leaching systems) and any water well; requirements that the OWTS function in a sanitary manner and not result in contamination, pollution or creation of a nuisance or endanger the safety of any domestic water supply or public health. OWTS are also subject to the County’s detailed plan review and approval, as well as pre-site and construction inspections. Thus, this ordinance serves to protect water supplies, water and wastewater facilities and water quality for both surface water and groundwater.

Ordinance No. 659, *Development Mitigation Fee for Residential Development (Development Impact Fee Program)*: This ordinance sets a range of development impact fees to be used “in order to effectively implement the Riverside County General Plan, manage new residential, commercial and industrial development and reduce impacts caused by such development.” It is intended to mitigate growth impacts (particularly those arising from population growth) on public facilities within Riverside County to ensure residents are not placed into conditions perilous to their health, safety, comfort, or welfare.

The ordinance establishes the process for (and nexus to) the construction or acquisition of various types of public facilities, as well as the preservation of open space, wildlife, and their associated habitats. The Development Impact Fee (DIF) program ensures that “all new development bear its fair share cost of providing the facilities, open space and habitat reasonably needed to serve that development.” Hence the program applies to all new residential, commercial, and industrial development, as well as to surface mining. Fees are assessed on the basis of regional location within Riverside County, land use type (per dwelling unit for residential units and per acre for all other uses) and the applicable categories of facilities to be provided. For transportation and flood control, fees are based on forecast development needs for the subsequent 20 years.

Regarding flood control facilities, the DIF program ensures fees are collected and expended to provide necessary facilities commensurate with the ongoing levels of development in specific areas not already subject to, or in addition to, Area Drainage Plan fees as under Ordinance No. 458. This ordinance provides mitigation for development impacts on flood control facilities and future needs for flood control by ensuring that funds are collected and utilized to provide needed facilities as development progresses within Riverside County. The provision of these facilities ensures new development does not expose people, property, or structures to undue risks from drainage or stormwater flows.

Ordinance No. 682, *Construction, Reconstruction, Abandonment and Destruction of Wells*: Ordinance No. 682 establishes minimum standards for construction, reconstruction, abandonment, and destruction of wells in order to protect underground water resources and provide safe water within Riverside County. This ordinance is enforced by the Riverside County Department of Environmental Health. It requires County permits for construction, reconstruction, or decommissioning (destruction) of various types of water wells. It also sets standards for these activities pursuant to those “recommended in the Bulletins of the California Department of Water Resources.” It contains prohibitions on placing wells where sources of pollution or contamination could contaminate or pollute the well water. It also requires wells be located “an adequate distance from all potential sources of contamination and pollution,” including minimums of 50 feet



from sewers, 100 feet from watertight septic tanks, sub-surface sewage leach line or leach fields and animal or fowl enclosures, 150 feet from cesspools or seepage pits, and 200 feet from any surface sewage disposal system discharging 2,000 gallons per day or more. Minimum distances from other sources of pollution or contamination shall be as determined by the Department upon investigation and analysis of the probable risks involved. It also sets a variety of water quality standards for water supply wells pursuant to the standards for constituents required in the CCR Title 22, “Domestic Water Quality and Monitoring.” All individual domestic water wells must also be tested for and meet the nitrate, fluoride, and TDS (or total filterable residue) standards in Title 22. Through these means, this ordinance serves to protect water supplies, as well as water quality, for groundwater.

Ordinance No. 754, *Stormwater/Urban Runoff Management and Discharge Controls*: This ordinance protects the health, safety, and general welfare of Riverside County residents by imposing restrictions to reduce pollutants in stormwater discharges to the maximum extent practicable, regulating illicit connections and discharges to the storm drain system and regulating non-stormwater discharges to the storm drain system. The intent of this ordinance is to protect and enhance the water quality of Riverside County watercourses, water bodies, groundwater, and wetlands in a manner pursuant to and consistent with applicable requirements contained in the Federal CWA and the State Water Code, as well as other applicable State and Federal regulations.

Among other things, the ordinance requires that all discharge to storm drain systems be confined to stormwater runoff discharged pursuant to a NPDES permit or as otherwise authorized by the Santa Ana River, San Diego, or Colorado River Basin RWQCB or the SWRCB in compliance with the Clean Water Act. This ordinance also establishes a variety of standards and BMPs associated with controlling stormwater runoff, including requirements to:

- Increase permeable areas (by leaving highly porous soil and low-lying areas undisturbed; by incorporating landscaping and open space into the project design; by using porous materials for or near driveways and walkways; and, by incorporating detention ponds and infiltration pits into the project design).
- Direct runoff to permeable areas (by orienting it away from impermeable areas and towards swales, berms, green strip filters, gravel beds or French drains; by installing rain-gutters oriented towards permeable areas; by modifying the property’s grade to divert flow to permeable areas and minimize the amount of stormwater runoff leaving the property; and, by designing curbs, berms or other structures so they do not isolate permeable or landscaped areas).
- Maximize stormwater storage for reuse (by using retention structures, subsurface areas, cisterns, or other structures to store stormwater runoff for reuse or slow release).

Although focusing on the NPDES program’s pollution-control aspects, in conjunction with Ordinance No.’s 457 and 460, this ordinance establishes a range of standards and permit requirements that collectively serve to ensure that flooding, stormwater flows and runoff are managed appropriately to protect water quality and water infrastructure and prevent risks to people, property, structures and facilities within Riverside County. By requiring specific standards



for development and establishing a program for the approval, implementation and verification of such measures, this ordinance mitigates potential hazards that could arise from stormwater flows and runoff, including flooding and erosion, and its effects on water quality and water infrastructure.

Ordinance No. 830, *Regulating the Land Application of Class A Sewage Sludge for Agricultural Activities*: Ordinance No. 830 regulates the application of bulk Class A sewage sludge in commercial farming uses to ensure it does not adversely affect public health, ground and surface water or soils. Through these regulations, this ordinance serves to protect water supplies and water quality for both surface water and groundwater.

Ordinance No. 859, *Water-Efficient Landscape Requirements*: Adopted in 2006, this ordinance outlines water-efficient landscape standards for development within Riverside County to implement requirements of the California Water Conservation in Landscaping Act of 2006 and the CCR Title 23, Division 2, Chapter 2.7. It includes a number of measures designed to conserve water, including: provisions for water management practices and water waste prevention; establishment of a structure for planning, designing, installing, maintaining and managing water-efficient landscapes in new and rehabilitated projects; reducing water demands from landscapes without adversely affecting landscape quality or quantity; requirements for landscapes not exceeding a maximum water demand of 70 percent of its reference evapotranspiration or any lower percentage required by State legislation; elimination of water waste from overspray and/or runoff; and, education of the public regarding the benefits of landscape water conservation. It includes a number of standards, including planting plan requirements, irrigation design plan requirements, soil management plan requirements, grading design plan requirements and landscape irrigation and maintenance measures. By conserving water, this ordinance protects existing water supplies (surface and groundwater). And by limiting water applications, it also helps minimize water runoff and water erosion in landscaped areas.

Riverside County Flood Control and Water Conservation District Master Drainage Plan

The Riverside County FCWCD Master Drainage Plan identifies drainage facilities that will alleviate both known and anticipated drainage problems within Riverside County. The Drainage Plan provides approaches for flood protection and drainage to Riverside County and serves as a resource for locating and sizing local critical drainage facilities necessary to support development within the area.

County Service Areas

County Service Areas (CSAs) are intended to provide a means of providing expanded service levels in areas where residents are willing to pay for the extra service. In Riverside County, the Riverside County Business and Community Services Division (formerly the Economic Development Agency) oversees the operation of 60 CSAs. The Division maintains 22 County-owned parks (as well as two water treatment facilities and over 8 million square feet of landscaping). Each CSA is authorized to provide services based on each community's needs. The CSA collects special taxes and assessments to provide services to specific County areas. CSA jurisdiction covers the entire unincorporated Riverside County and provides municipal



services such as parks and recreation, streetlights, landscaping, street sweeping, water and sewage, and road maintenance. Concerning hydrology, there is only one CSA in the project area (Murrieta-Temecula #103).

4.10.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the State CEQA Guidelines contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality (refer to Impact Statement HWQ-1);
- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin (refer to Impact Statement HWQ-2);
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - i. Result in substantial erosion or siltation on- or off-site (refer to Impact Statement HWQ-3);
 - ii. Substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site (refer to Impact Statement HWQ-3);
 - iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff (refer to Impact Statement HWQ-3); or
 - iv. Impede or redirect flood flows (refer to Impact Statement HWQ-3);
- In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation (refer to Impact Statement HWQ-4); and/or
- Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (refer to Impact Statement HWQ-5).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or a “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.



4.10.4 IMPACTS AND MITIGATION MEASURES

WATER QUALITY

HWQ-1 THE PROJECT COULD VIOLATE WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS, OR OTHERWISE SUBSTANTIALLY DEGRADE WATER QUALITY.

Impact Analysis

The project area's receiving waters are the Hemet Storm Channel, Salt Creek, and Warm Springs Creek. Warm Springs Creek is listed on the San Diego RWQCB 2014/2016 CWA § 303(d) List. Warm Springs Creek is impaired for Chlorpyrifos, Indicator Bacteria, Iron, Manganese, Nitrogen, and Phosphorus.

The project proposes land use and policy changes that would facilitate future development within the project area. Future development facilitated by the project could adversely impact water quality in downstream receiving waters, such as Salt Creek or Warm Springs Creek, through discharge of runoff that contains sediments and various pollutants of concern.

Short-Term Construction

There are three sources of short-term construction-related storm water pollution associated with the proposed project, which include the following:

- Handling, storage, and disposal of construction materials containing pollutants;
- Maintenance and operation of construction equipment; and
- Earthmoving activities.

These sources, if not controlled, can generate soil erosion as well as on- and off-site transport via storm runoff or mechanical equipment. Poorly maintained vehicles and heavy equipment leaking fuel, oil, antifreeze, or other vehicle-related fluids on the project site are also common sources of storm water pollution and soil contamination. Generally, standard safety precautions for handling and storing construction materials can adequately reduce the potential pollution of storm water by these materials. These types of standard procedures can be extended to non-hazardous storm water pollutants such as sawdust, concrete washout, and other wastes.

In addition, grading activities can greatly increase erosion processes, leading to impacts on storm drains and sediment loading to storm runoff flows. Two general strategies are recommended to prevent soil materials from entering local storm drains. First, erosion control procedures should be implemented for those areas that must be exposed, and secondly, the project site should be secured to control off-site transport of pollutants.

Future development activities occurring within the project area would result in grading, excavation, trenching, and other similar construction activities. During these ground disturbing activities, increased erosion potential of areas of bare soils would result. Each development project would be required to comply with the existing State and local permitting requirements to



ensure water quality is maintained during construction. The development projects could require the preparation and submittal of a Notice of Intent and a SWPPP to the SWRCB demonstrating compliance with the Construction General NPDES Permit (General Plan Policy OS 3.4).

The Construction General Permit requires that non-storm water discharges from construction sites be eliminated or reduced to the maximum extent practicable, that a SWPPP be developed governing construction activities for the proposed project, and that routine inspections be performed of all storm water pollution prevention measures and control practices being used at the site, including inspections before and after storm events. As outlined in the SWPPP, each development project would be required to implement all construction BMPs to protect downstream properties and ensure compliance with the Construction General Permit. The BMP categories included in SWPPPs are:

- Erosion controls: act to cover and/or bind soil surface, to prevent soil particles from being detached and transported by water or wind. Erosion control BMPs include mulch, soil binders, and mats.
- Sediment controls: filter out soil particles that have been detached and transported in water. Sediment control BMPs include storm drain barriers, and cleaning measures such as street sweeping.
- Wind erosion controls: the aims and methods of wind erosion are similar to those of erosion control described above.
- Tracking controls: tracking control BMPs minimize the tracking of soil offsite by vehicles; for instance, stabilizing construction roadways and entrances/exits with rock.
- Non-storm water management: prohibit the discharge of materials other than storm water, such as discharges from the cleaning, maintenance, and fueling of vehicles and equipment. Non-storm water management BMPs also prescribe conducting various construction operations, including paving, grinding, and concrete curing and finishing, in ways that minimize non-storm water discharges and contamination of any such discharges.
- Waste and materials management: management of materials and wastes to avoid contamination of storm water. Waste and materials management BMPs include spill prevention and control, stockpile management, and management of solid wastes and hazardous wastes.

Upon completion of the project, the project Applicant would be required to submit a Notice of Termination to the SWRCB to indicate that construction is completed.

Pursuant to the Riverside County Stormwater/Urban Runoff Management and Discharge Controls Ordinance, included as Riverside County Ordinances Chapter 13.12, the director of County's Transportation Land Management Agency (TLMA) would be responsible for identification of project-specific BMPs that would prevent such deterioration and would be responsible for identification of the manner of implementation. To further minimize the potential for accidental release during construction, the routine transport, use, and disposal of



construction materials would be required to adhere to applicable State and local standards and regulations for handling, storage, and disposal of hazardous substances; refer to [Section 4.9, *Hazards and Hazardous Materials*](#). Compliance with such measures would limit such substances from entering downstream water bodies via stormwater runoff and reduce potential impacts to existing water quality. Following conformance with the Construction General Permit, preparation of a SWPPP, and implementation of construction BMPs, short-term impacts to water quality and surface and groundwater quality would be less than significant.

Long-Term Operations

Long-term impacts to water quality occur when impacts related to sedimentation decrease markedly, but those associated with urban runoff increase due to project operations. A reduction of permeable surfaces would be considered a water quality impact, as permeable surfaces allow for rain and runoff to infiltrate into the ground. Infiltration both reduces the amount of flow that is capable of washing off additional pollutants and filter water removing potential pollutants. These changes have the potential to affect long-term water quality. Buildout of the proposed project would result in a reduction of permeable surfaces. Thus, the water quality issues of concern would involve both an increase in stormwater and nuisance water runoff, and a change in the physical characteristics of the water quality, due to the newly proposed land uses.

To meet the requirements of California State Water Resources Control Board Order No. 2013-0001-DWQ, each future development would be required to include preparation of a Water Quality Management Plan (WQMP). Preparation of a WQMP is required under the Municipal Separate Storm Sewer Systems (MS4) Permit for the Santa Ana River Watershed (Order No. R8-2010-0033) and San Diego Region (Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100). The WQMP would detail stormwater treatment and other stormwater quality and quantity control measures that would be implemented to manage stormwater during project operations. The Santa Ana and San Diego MS4 also requires all new development and significant redevelopment projects incorporate Low Impact Development (LID) Best Management Practices where applicable and feasible. Development of a standard design and post-development BMPs including site design/LID, source control, treatment control (where feasible and applicable), and hydromodification measures to reduce the amount of discharge of pollutants to receiving waters are also required by the MS4.

Pursuant to Ordinance No. 754, *Stormwater/Urban Runoff Management and Discharge Controls*, the County of Riverside would ensure future development proposals reduce pollutants in stormwater discharges to the maximum extent practicable. This Ordinance would require that a variety of standards and BMPs associated with controlling stormwater runoff are incorporated into site-specific project design, including requirements to:

- Increase permeable areas (by leaving highly porous soil and low-lying areas undisturbed; by incorporating landscaping and open space into the project design; by using porous materials for or near driveways and walkways; and, by incorporating detention ponds and infiltration pits into the project design).
- Direct runoff to permeable areas (by orienting it away from impermeable areas and towards swales, berms, green strip filters, gravel beds or French drains; by installing rain-



gutters oriented towards permeable areas; by modifying the property's grade to divert flow to permeable areas and minimize the amount of stormwater runoff leaving the property; and, by designing curbs, berms, or other structures so they do not isolate permeable or landscaped areas).

- Maximize stormwater storage for reuse (by using retention structures, subsurface areas, cisterns, or other structures to store stormwater runoff for reuse or slow release).

Other applicable County ordinances in place to protect long-term water quality include Ordinance No. 427 (Regulating the Land Application of Manure), Ordinance No. 457 (Building Codes and Fees), Ordinance No. 461 (Road Improvement Standards), Ordinance No. 592 (Regulating Sewer Use, Sewer Construction and Industrial Wastewater Discharges in County Service Areas), Ordinance No. 650 (Sewer Discharge in Unincorporated Territory), Ordinance No. 830 (Regulating the Land Application of Class A Sewage Sludge for Agricultural Activities), and Ordinance No. 859 (Water-Efficient Landscape Requirements).

Considering these requirements, future development facilitated by the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Compliance with the regulatory framework would reduce the project's water quality impacts to a less than significant level.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

GROUNDWATER SUPPLY OR RECHARGE

HWQ-2 THE PROJECT COULD SUBSTANTIALLY DECREASE GROUNDWATER SUPPLIES OR INTERFERE SUBSTANTIALLY WITH GROUNDWATER RECHARGE SUCH THAT THE PROJECT MAY IMPEDE SUSTAINABLE GROUNDWATER MANAGEMENT OF THE BASIN.

Impact Analysis

According to EIR No. 521, the San Jacinto Groundwater Basin underlies most of the project area, while the Temecula Valley Groundwater Basin underlies the southern portion. Future development facilitated by the project could increase impervious surfaces, decrease water infiltration into the groundwater basins, and reduce groundwater recharge, particularly in currently vacant and undeveloped areas. Approximately 22,464 acres of the project area are vacant land. However, the project area does not include local groundwater recharge area and no groundwater extraction would occur as part of the project. Pursuant to Santa Ana and San Diego MS4 requirements, all new development and significant redevelopment projects would be required to incorporate LID Best Management Practices where applicable and feasible to ensure post-construction hydrology mimics pre-development filtration. In accordance with Ordinance No. 754, the County of Riverside would review future development proposals to verify that permeable areas are incorporated into site-specific project design.



As shown in [Table 4.19-5, *Estimated Project Water Demand*](#), project buildout would generate a water demand of approximately 14,443 acre feet per year (AFY). While groundwater represents approximately 20 percent of EMWD’s water supply, EMWD’s UWMPs anticipate that water supplies would exceed water demands for normal, single dry, and multiple dry-year conditions through 2045. It is also noted that EMWD is able to purchase additional water from MWD to meet demands. As indicated in [Section 4.19, *Utilities and Service Systems*](#), the County of Riverside 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 groundwater supplies. Where applicable, in compliance with SB 221 and SB 610 requirements, future development would be required to demonstrate adequate water supply with either a signed Water Availability Form, “Will-Serve” letter, or Water Supply Assessment from EMWD. Compliance with these existing processes, in addition to relevant General Plan policies (LU 5.2 and 5.3, OS-4.1 through OS 4.4, and C-25.1) would ensure impacts to groundwater supply are less than significant. The County would also enforce all existing laws and regulations pertaining to water conservation, including relevant water efficiency standards enumerated in the CCR and CBC; refer to [Section 4.19.2, *Regulatory Setting*](#).

Thus, project implementation would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

EROSION OR SILTATION, DRAINAGE, OR FLOODING

HWQ-3 THE PROJECT COULD ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA IN A MANNER WHICH COULD RESULT IN EROSION OR SILTATION ON- OR OFF-SITE; INCREASE THE RATE OR AMOUNT OF SURFACE RUNOFF WHICH COULD RESULT IN FLOODING ON- OR OFF-SITE; AND CREATE OR CONTRIBUTE RUNOFF WATER WHICH COULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF.

Impact Analysis

Development facilitated by the project has the potential to increase erosion, sedimentation and siltation of surface water which may occur due to the short-term disturbance of large quantities of earth during construction, as well as increased erosion potential in areas of new construction (i.e., due to vegetation removal, topsoil disturbance, etc.). New construction would also increase the amount of impervious surface, which may contribute the amount of surface runoff such that it could result in flooding on- or off-site or redirect flood flows. The passage of storm flows over impervious surfaces would increase the volume and rate of stormwater runoff. Roads and buildings generate greater runoff volumes than vegetated land. Runoff generated by new construction could contribute to water pollution. Urban runoff can carry pollutants, including



4.10 Hydrology and Water Quality

those from: operation of internal combustion engines, atmospheric deposition, brake pad and tire wear, pesticide residues, nutrient (fertilizer) runoff from landscaping and agricultural activities, as well as leaching of naturally occurring minerals from local geology. When it rains, the impervious surfaces associated with developed areas (roads, parking lots, sidewalks, roofs, etc.) carry polluted stormwater to storm drains, which eventually discharge to surface waters like rivers and streams. Pollutants could also be conveyed to groundwater basins. In many cases, the water in these storm drain systems is discharged without any kind of water quality treatment. Fertilizers used on residential lawns, parks and golf courses are a major source of nitrates and phosphorus in urban runoff.

As discussed in Impact Statement HWQ-1, the construction of future development activities would be subject to conformance with the Construction General Permit, including preparation of a SWPPP that identifies applicable construction BMPs related to erosion control, sediment control, and wind erosion control. Through adherence to the regulatory framework regarding construction practices that minimize erosion, runoff, and flooding risks, these impacts would be less than significant; refer to Impact Statement HWQ-1.

Post-construction runoff would be addressed and mitigated through compliance with the Santa Ana and San Diego MS4 permit and various County of Riverside ordinances in place to reduce runoff and protect downslope water quality. Most notably, Ordinance No. 754 would ensure future development proposals are reviewed by the County of Riverside to verify that permeable areas are incorporated into site-specific project design. Other applicable County ordinances in place to protect long-term water quality include Ordinance No. 427 (Regulating the Land Application of Manure), Ordinance No. 457 (Building Codes and Fees), Ordinance No. 461 (Road Improvement Standards), Ordinance No. 592 (Regulating Sewer Use, Sewer Construction and Industrial Wastewater Discharges in County Service Areas), Ordinance No. 650 (Sewer Discharge in Unincorporated Territory), Ordinance No. 830 (Regulating the Land Application of Class A Sewage Sludge for Agricultural Activities), and Ordinance No. 859 (Water-Efficient Landscape Requirements).

In addition, the Riverside County FCWCD would review future development on a project-by-project basis and would require connection fees and ongoing user fees in accordance with its Area Drainage Plan (ADP).¹⁵ The ADP is a financing mechanism for new development used to offset costs for proposed drainage facilities. The Subdivision Map Act requires that agencies imposing fees have a general drainage plan for the fee area, a special fund for the fees and an equitable distribution of the fees prior to implementation. The Area Drainage Plan is essentially the Master Drainage Plan with additional language supporting the costs and distribution of the fee within the plan area. Developments falling under the Subdivision Map Act (those requiring a division of lands) pay fees on a per acre basis. Developments falling outside of the Subdivision Map Act (known as discretionary use cases) are assessed mitigation fees based on their impacts to the watershed.

15 Riverside County FCWCD, *Area Drainage Plan Fees*, <https://rcflood.org/I-Want-To/Learn-About/Area-Drainage-Plan-Fees>, accessed November 21, 2021.



Considering these requirements, future development facilitated by the project would not result in significant impacts related to erosion or siltation, drainage, or flooding. Compliance with the regulatory framework would reduce impacts to a less than significant level.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

RELEASE OF POLLUTANTS

HWQ-4 THE PROJECT COULD RELEASE POLLUTANTS DUE TO PROJECT INUNDATION IN FLOOD HAZARD, TSUNAMI, OR SEICHE ZONES.

Impact Analysis

The project area is located over 25 miles from the Pacific Ocean. Thus, risk of inundation by tsunami is considered negligible.

As depicted on [Exhibit 4.10-2, *Dam Failure Inundation Map*](#), portions of the project area are located within the dam breach inundation areas for Diamond Valley Lake and Lake Skinner. In addition, these lakes also represent a potential seiche hazard for the project area. Therefore, in flood hazard or seiche zones, there is a risk for the release of pollutants due to inundation.

Risk of pollutants due to inundation would be addressed and mitigated through compliance with NPDES requirements, the Santa Ana and San Diego MS4 permit, and various County of Riverside ordinances in place to reduce runoff and protect downslope water quality. Most notably, Ordinance No. 754 would ensure future development proposals are reviewed by the County of Riverside to verify that future development proposals reduce pollutants in stormwater discharges to the maximum extent practicable. This Ordinance would require that a variety of standards and BMPs associated with controlling stormwater runoff are incorporated into site-specific project design. Other applicable County ordinances in place to protect long-term water quality include Ordinance No. 427 (Regulating the Land Application of Manure), Ordinance No. 457 (Building Codes and Fees), Ordinance No. 461 (Road Improvement Standards), Ordinance No. 592 (Regulating Sewer Use, Sewer Construction and Industrial Wastewater Discharges in County Service Areas), Ordinance No. 650 (Sewer Discharge in Unincorporated Territory), Ordinance No. 830 (Regulating the Land Application of Class A Sewage Sludge for Agricultural Activities), and Ordinance No. 859 (Water-Efficient Landscape Requirements).

Considering these requirements, future development facilitated by the project would not result in significant impacts concerning release pollutants due to project inundation in flood hazard, tsunami, or seiche zones. Compliance with the regulatory framework would reduce impacts to a less than significant level.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.



WATER/GROUNDWATER MANAGEMENT PLANS

HWQ-5 THE PROJECT COULD CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF A WATER QUALITY CONTROL PLAN OR SUSTAINABLE GROUNDWATER MANAGEMENT PLAN.

Impact Analysis

Water Quality Control Plan

As discussed, project site is located within the Santa Ana RWQCB and the San Diego RWQCB. More specifically, the northern portion of the project area is covered under the Water Quality Control Plan for the Santa Ana River Basin and the southern portion of the project site is covered under the Water Quality Control Plan for the San Diego Basin.^{16,17} Each Basin Plan includes specific water quality objectives according to waterbody type (i.e., surface waters and groundwater as well as a number of water quality control plans and policies adopted by the SWRCB that apply to each region. In addition, the project area's southern portion is within the Upper Santa Margarita Watershed IRWMP area. The Upper Santa Margarita Watershed IRWMP goals are to:

1. Increase diversification of the water supply portfolio
2. Maximize groundwater potential
3. Protect and improve local surface water quality
4. Promote integrated flood management
5. Protect, restore and enhance aquatic/riparian habitat
6. Promote economic, social, land use and environmental sustainability

The project would not conflict with applicable goals and policies of the Basin Plans and Upper Santa Margarita Watershed IRWMP. As indicated under Impact Statement HWQ-1, project implementation would not result in significant construction-related impacts to water quality and surface and groundwater quality following conformance with the Construction General Permit, preparation of a SWPPP, and implementation of construction BMPs, the project's short-term impacts to water quality and surface and groundwater quality would be less than significant. The project would not result in significant impacts to groundwater following compliance with the existing regulatory framework (Impact Statement HWQ-2). Future development proposals would be subject to a variety of laws, ordinances, and policies in place to protect and improve water quality and the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality; refer to Impact Statement HWQ-1. As discussed in Section 4.3, *Biological Resources*, the project would result in less than significant impacts to riparian or other sensitive natural communities. Future

16 Santa Ana RWQCB, *Water Quality Control Plan for the Santa Ana River Basin*, February 2016.

17 San Diego RWQCB, *Water Quality Control Plan for the San Diego Basin*, September 1, 2021.



development proposals would consider the goals and objectives of the Basin Plan and Upper Santa Margarita Watershed IRWMP and would not conflict with or obstruct plan implementation. Therefore, a less than significant impact would occur in this regard.

SGMA Plan

The project overlies the Lower Santa Jacinto River Watershed and Murrieta Creek Watershed in Riverside County.¹⁸ According to the DWR, the West San Jacinto River Watershed is categorized as a “high” priority basin.¹⁹ In September 2021, EMWD developed its GSP for the San Jacinto Groundwater Basin in compliance with the SGMA. The GSP identifies the following long-term sustainable management practices for the Basin:

- Maintaining sufficient groundwater in storage to allow for ongoing groundwater production that meets the operational demands of groundwater users in the Plan Area.
- Protecting beneficial uses such as municipal and domestic supplies of fresh groundwater resources in the Lakeview and Perris North Groundwater Management Zones (GMZs) to the extent possible, by minimizing the northward and eastward migration of brackish groundwater from the Perris South GMZ.
- Avoiding subsidence related to groundwater production that substantially interferes with surface land uses.
- Ensuring that groundwater production does not result in significant and unreasonable loss of groundwater dependent ecosystems

There is no GSP established for the Murrieta Creek Watershed as it is categorized as a “very low” priority basin by the DWR.²⁰

As discussed under Impact Statement HWQ-1, future development proposals would be subject to several Federal, State, and local requirements for avoiding and minimizing construction and operations impacts to groundwater supplies, including the Construction General NPDES Permit (General Plan Policy OS 3.4), California State Water Resources Control Board Order No. 2013-0001-DWQ, and County Ordinance No. 754. Future development would be required to incorporate features to reduce impervious area, as feasible, and promote water infiltration. Treatment control and hydromodification management facilities would promote stormwater retention and infiltration. Redevelopment of developed sites would require compliance with water quality standards intended to reduce runoff, increase infiltration, and improve water quality. As a result, the project is not anticipated to conflict with the long-term sustainable management practices for the Basin identified by the GSP. Impacts would be less than significant in this regard.

Mitigation Measures: No mitigation measures are required.

18 Department of Water Resources, *SGMA Basin Prioritization Dashboard*, <https://gis.water.ca.gov/app/bp-dashboard/final/>, accessed November 19, 2021.

19 Ibid.

20 Department of Water Resources, *SGMA Basin Prioritization Dashboard*, <https://gis.water.ca.gov/app/bp-dashboard/final/>, accessed November 19, 2021.



Level of Significance: Less Than Significant Impact.

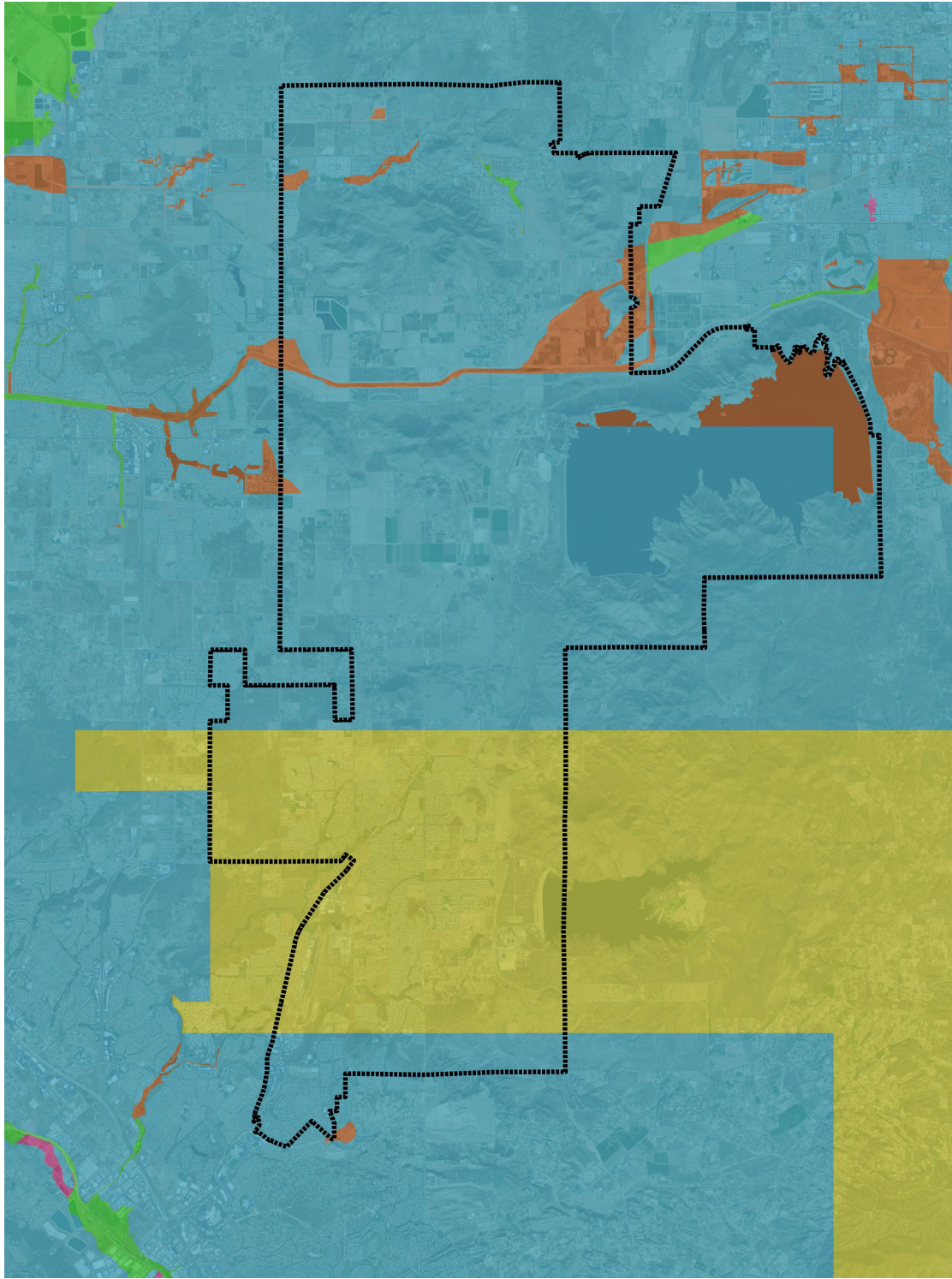
4.10.5 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable hydrology and water quality impacts would occur as a result of the proposed project.









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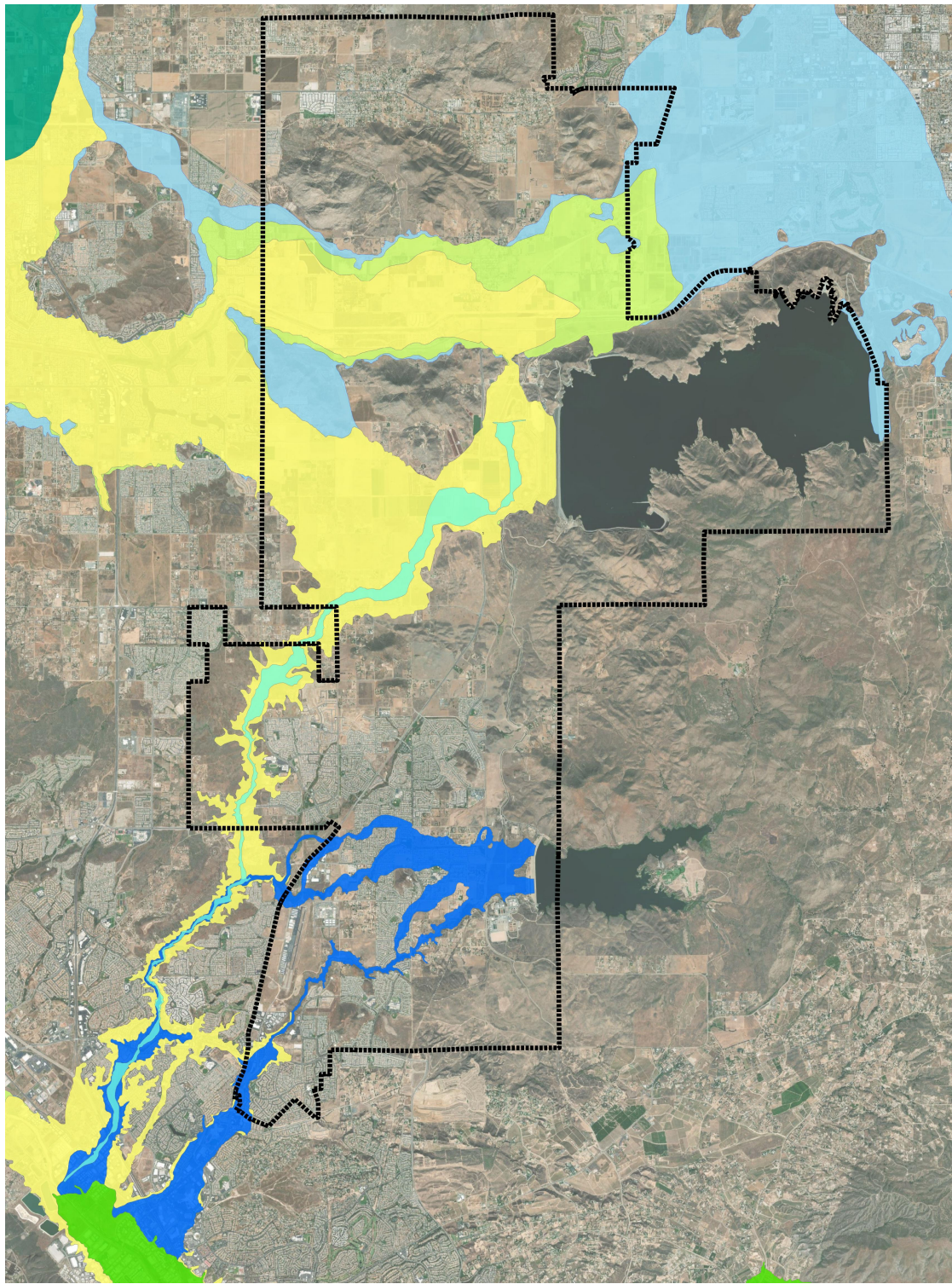
Legend

- | | |
|--|-------------------|
|  Project Area | Flood Zone |
|  | A |
|  | AE |
|  | AH |
|  | D |
|  | X |



Source: Riverside County Mapping Portal, 2021; Kimley-Horn, 2021

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Legend



Project Area

DAM

-  DIAMOND VALLEY EAST
-  DIAMOND VALLEY FOREBAY
-  DIAMOND VALLEY SADDLE
-  DIAMOND VALLEY WEST

-  PERRIS
-  ROBERT A SKINNER
-  VAIL



Source: Riverside County Mapping Portal, 2021; Kimley-Horn, 2021

WINCHESTER COMMUNITY PLAN
 ENVIRONMENTAL IMPACT REPORT
Dam Failure Inundation



4.11 LAND USE AND PLANNING

This section identifies existing land use conditions, evaluates the project's consistency with relevant planning policies, and recommends mitigation measures that would avoid or lessen the significance of potential impacts. This section identifies on-site and surrounding land use conditions and relevant land use policies and regulations, as set forth by the County of Riverside. Information in this section is based on the following:

- County of Riverside General Plan (General Plan)
- Riverside County Ordinances, Codified through Covering Ordinances through August 24, 2021. (Supp. No. 77)

4.11.1 EXISTING SETTING

ON-SITE LAND USES

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 residential, commercial, agriculture, open space, and public facility land use designations.

Most of the Winchester PA is comprised of agricultural uses and undeveloped lands; refer to [Exhibit 3-6, *Existing Land Uses – Winchester Policy Area*](#). The two most prominent existing land uses in the Winchester PA are agricultural lands and water (i.e., Diamond Valley Lake).

The Highway 79 PA is generally more urbanized than the Winchester PA, particularly between the Green Acres and Homeland communities in the northern extent and Nicholas Road and Abelia Street in the southern extent. The Highway 79 PA is primarily residential but includes supporting neighborhood commercial and light industrial uses; refer to [Exhibit 3-7, *Existing Land Uses – Highway 79 Policy Area*](#). At the southern extent of the Highway 79 PA there is the French Valley Airport and the Metropolitan Water District Robert A. Skinner Treatment Plant.

SURROUNDING LAND USES

The proposed project is surrounded by the following land uses:

- North: The area located north of the proposed project boundary primarily consists of vacant land with some scattered single-family residential uses on larger lots. The majority of this area is located within unincorporated Riverside County and falls within the Lakeview/Nuevo Area Plan of the County's General Plan; however, areas to the northeast of the project boundary are located within the city of Hemet. The County land use designations found in this area are Rural Community-Very Low Density Residential, Rural Mountainous, Rural Residential, Highest Density Residential, Agriculture, and Open Space-Recreation.



Uses in the westernmost portion of the city of Hemet include vacant land, agricultural uses, scattered single-family residential on larger lots and single-family residential uses developed as tract homes. These areas are designated River/Lake, Community Commercial, Mixed Use, Rural Residential, Hillside Residential, Low Density Residential, Low Medium Density Residential, Business Park and Public Facilities by the Hemet General Plan 2030.

- East: Areas to the east of the project site primarily include vacant unincorporated Riverside County lands within the San Jacinto Valley and Southwest Area Plans. The city of Hemet lies to the northeast of the project boundary (see discussion above). The land use designations unincorporated areas east of the project site include Waterbodies, Conservation Habitat, and Agriculture.
- South: Areas to the south of the proposed project boundary are located within city of Temecula and unincorporated Riverside County and consist of vacant land, agricultural uses, scattered single-family residential on larger lots, and single-family residential uses developed as tract homes. Land uses for the areas that fall within the city of Temecula include Community Commercial, High Density Residential, Open Space, and Low Medium Residential. Land uses located within unincorporated Riverside County for this area include Agriculture, Open Space Conservation Habitat and Rural Residential.
- West: The area located west of the proposed project boundary consists of undeveloped and developed land within the cities of Menifee and Murrieta and within unincorporated Riverside County. Developed areas consist of residential, commercial, office and recreational uses within the cities of Menifee and Murrieta. Agricultural uses can also be found to the west of the proposed project site. Land uses to the west of the project site within the city of Menifee include Menifee North SP, Menifee Valley Ranch SP, 2.1-5 du/ac and 8.1-14 du/ac Residential, Agriculture, Recreation, Menifee Village SP, and Rural Residential 2 ac min. Land uses within unincorporated Riverside County include Commercial Retail, Low Density Residential, Open Space Conservation, Medium Density Residential, Commercial Office, and Light Industrial. Land uses within the city of Murrieta include Commercial, Business Park, Single Family Residential, and Multiple Family Residential.

4.11.2 REGULATORY SETTING

FEDERAL LEVEL

No Federal laws, ordinances, or regulations pertaining to land use apply to the project.

STATE LEVEL

No State laws, ordinances, or regulations pertaining to land use apply to the project.



REGIONAL LEVEL

Southern California Association of Governments

Regional planning agencies such as the Southern California Association of Governments (SCAG) recognize that planning issues extend beyond the boundaries of individual cities. Efforts to address regional planning issues such as affordable housing, transportation, and air pollution have resulted in the adoption of regional plans that affect local jurisdictions.

SCAG has evolved as the largest council of governments in the United States, functioning as the Metropolitan Planning Organization (MPO) for six counties (Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial) and 191 cities. The region encompasses an area of more than 38,000 square miles. As the designated MPO, the Federal government mandates SCAG to research and develop plans for transportation, growth management, hazardous waste management, and air quality. These mandates led SCAG to prepare comprehensive regional plans to address these concerns.

SCAG is responsible for the maintenance of a continuous, comprehensive, and coordinated planning process resulting in a Regional Transportation Plan (RTP) and a Regional Transportation Improvement Program (RTIP). SCAG is responsible for the development of demographic projections and is also responsible for development of the integrated land use, housing, employment, transportation programs, measures, and strategies for the Air Quality Management Plan (AQMP).

The 2020-2045 Regional Transportation Plan/ Sustainable Communities Strategy – Connect SoCal

The passage of California Senate Bill 375 (SB 375) in 2008 requires that a MPO, such as SCAG, prepare and adopt a Sustainable Communities Strategy (SCS) that sets forth a forecasted regional development pattern which, when integrated with the transportation network, measures, and policies, will reduce greenhouse gas (GHG) emissions from automobiles and light duty trucks (Government Code Section 65080(b)(2)(B)). The SCS outlines certain land use and transportation strategies that provide for more integrated land use and transportation planning and maximize transportation investments. The SCS is intended to provide a regional land use policy framework that local governments may consider and build upon.

On September 3, 2020, SCAG's Regional Council adopted The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy of the Southern California Association of Governments – Connect SoCal (2020-2045 RTP/SCS). The 2020-2045 RTP/SCS is a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals. The 2020-2045 RTP/SCS closely integrates land use and transportation so that the region can grow smartly and sustainably. SCAG works closely with local jurisdictions to develop the 2020-2045 RTP/SCS, which incorporates local growth forecasts, projects and programs, and includes complementary regional policies and initiatives. The 2020-2045 RTP/SCS includes a financial plan that identifies revenues committed, available, or reasonably available to support the SCAG region's surface transportation investments. The 2020-2045 RTP/SCS also includes a sustainable communities strategy which sets forth a forecasted development pattern for the region which would reduce greenhouse gas emissions from



automobiles and light trucks to the regional GHG targets set by California Air Resource Board (CARB) for the SCAG region.

Growth Forecasts

SCAG's Forecasting Section is responsible for producing socio-economic estimates and projections at multiple geographic levels and in multiple years. The Forecasting Section develops, refines, and maintains SCAG's regional and small area socio-economic forecasting/allocation models. The socio-economic estimates and projections are used by Federal and State mandated long-range planning efforts such as the RTP, the AQMP, the RTIP, and the Regional Housing Needs Assessment (RHNA). SCAG's adopted 2020-2045 RTP Growth Forecasts are used to assess a project's consistency with adopted plans that have addressed growth management from a local and regional standpoint. Adopted 2020-2045 RTP/SCS Growth Forecasts provide population, household, and employment data throughout SCAG's 191 cities and in unincorporated areas by 2045.

Intergovernmental Review

SCAG's Intergovernmental Review Section is responsible for performing consistency review of regionally significant local plans, projects, and programs with SCAG's adopted regional plans. The criteria for projects of regional significance are outlined in State CEQA Guidelines Section 15206. The proposed project is considered regionally significant as it would meet the criteria identified in Section 15206(b), requiring consistency review.

LOCAL LEVEL

County of Riverside General Plan

The General Plan covers Riverside County's entire unincorporated portion and is augmented by 19 more detailed Area Plans covering Riverside County's territory with the exception of the undeveloped desert areas and the March Air Joint Reserve Base. The General Plan's thrust is to manage the overall pattern of development more effectively. The Area Plans provide a clear and more focused opportunity to enhance community identity within the Riverside County and stimulate quality of life at the community level.

The General Plan is organized by the following elements:

- **Land Use Element:** The Land Use Element functions as a guide to the ultimate pattern of development for unincorporated lands within the County of Riverside. The Land Use Element policies relevant to the proposed project are outlined in Table 4.11-1, General Plan Policies Which Minimize Land Use and Planning Impacts. The primary Foundation Component categories of land uses permitted by the Land Use Element include Agriculture, Rural, Rural Community, Open Space, Community Development, and Other (i.e., Indian Lands and Major Roadways). The Foundation Component designations are further subdivided into more detailed land use designations at the area plan level. Existing land uses within the Winchester PA are identified in Exhibit 3-6, Existing Land Uses – Winchester Policy Area. Table 3-1, Proposed General Plan Land Use Changes. Existing Land Uses for the Highway 79 PA are identified on to Exhibit 3-7, Existing Land Uses –



Highway 79 Policy Area. The general development characteristics for each area plan land use designation are described in HVWAP Table 1.

- **Circulation Element**: The Circulation Element designates future road improvements and extensions, addresses non-motorized transportation alternatives, and identifies funding options. The Circulation Element also identifies transportation routes, terminals, and facilities. Circulation Element Figure C-1, Circulation Plan, identifies the future streets and highways system at build out in addition to functional classifications. Refer to Section 4.17, *Transportation*, for a discussion of the project's circulation system.
- **Multipurpose Open Space Element**: The Multipurpose Open Space Element addresses protecting and preserving natural resources, agriculture and open space areas, managing mineral resources, preserving and enhancing cultural resources, and providing recreational opportunities for the citizens of Riverside County. Refer to Section 4.2, *Agricultural Resources*, for a discussion regarding agricultural resources. Refer to Section 4.3, *Biological Resources*, for a discussion regarding biological resources. Refer to Section 4.4, *Cultural Resources*, for a discussion regarding cultural resources and Section 4.12, *Mineral Resources*, for a discussion regarding mineral resources. Refer to Section 4.16, *Recreation*, for a discussion regarding recreational opportunities.
- **Safety Element (adopted September 28, 2021)**: The Safety Element identifies the goals, policies, and actions to minimize the hazards to safety in and around unincorporated Riverside County. It identifies the natural and human-caused hazards that affect existing and future development and provides guidelines for protecting residents, employees, visitors, and other community members from injury and death. It describes present and expected future conditions and sets policies and standards for improved public safety. The Safety Element also seeks to minimize physical harm to the buildings and infrastructure in and around unincorporated Riverside County and to reduce damage to local economic systems, community services, and ecosystems. Refer to Section 4.8, *Geology and Soils*, for a discussion regarding earthquake and related ground failure hazards, subsidence, and slope hazards. Refer to Section 4.10, *Hydrology and Water Quality*, for a discussion regarding flooding-related hazards. Refer to Section 4.10, *Hazards and Hazardous Materials*, for a discussion regarding release of hazardous materials, aircraft mishap, wildland and urban fires, and emergency planning. Refer to Section 4.15, *Public Services*, for information regarding potential impacts to public services. Additional information regarding wildland fires is presented in Section 4.20, *Wildfire*.
- **Noise Element**: The Noise Element is a mandatory component of the General Plan pursuant to the California Planning and Zoning Law, Section 65302(f). The element must recognize the guidelines adopted by the Office of Planning and Research pursuant to Section 46050.1 of the Health and Safety Code. It also can be utilized as a tool for compliance with the State of California's noise insulation standards. The General Plan Noise Element provides a systematic approach to identifying and appraising noise problems in the community; quantifying existing and projected noise levels; addressing excessive noise exposure; and community planning for the regulation of noise. This element includes policies, standards, criteria, programs, diagrams, a reference to action



items, and maps related to protecting public health and welfare from noise. Refer to [Section 4.13, *Noise*](#), for a discussion regarding the project's noise-related impacts.

- **Housing Element (6th Cycle, adopted September 28, 2021)**: The Housing Element identifies and establishes the County's policies with respect to meeting the housing needs for residents in unincorporated Riverside County. It establishes policies that guides County decision-making and sets forth an action plan to implement its housing goals for the 6th Cycle Housing Element update, through 2029.
- **Air Quality Element**: The policies and programs included in the Air Quality Element are intended to protect the health and welfare of our residents by improving air quality, protect our natural resources through enhanced conservation efforts, and ensuring expected growth of our County does not occur at the cost of the global climate. Refer to [Section 4.3, *Air Quality*](#), for a discussion regarding the project's air quality impacts.
- **Healthy Communities Element (Amended September 21, 2021)**: The Healthy Communities Element (HCE) addresses areas where public health and planning intersect, including transportation and active living, access to nutritious foods, access to health care, mental health, quality of life, and environmental health. Environmental Justice is addressed within the HCE for EJ Communities as it relates to civic engagement, health risk reduction, and infrastructure and services for these communities.
- **Administration Element**: This Element focuses on the administration of the General Plan.

Harvest Valley/Winchester Area Plan

The Winchester PA is within the approximately 32,179-acre Harvest Valley/Winchester Area Plan (HVWAP), one of 19 area plans established by the General Plan. The Winchester PA is one of seven PAs that comprise the HVWAP. It is noted, because the project proposes to annex portions of the Sun City/Menifee Valley Area Plan, Southwest Area Plan and San Jacinto Valley Area Plan into the HVWAP, these three Area Plans are described below.

The Highway 79 PA is also one of the HVWAP's PAs. The Highway 79 PA is mostly within the HVWAP, although the southern portion is within the Southwest Area Plan, a small portion in the east is within the San Jacinto Valley Area Plan, and a western portion is within the Sun City/Menifee Valley Area Plan, respectively. The Winchester PA centers on that community and coincides with the Winchester Community Center Overlay. The Winchester PA is also intended to enhance opportunities for selective redevelopment where that can achieve the HVWAP's intent. Building upon the existing community character, the Winchester PA is envisioned as a western-themed suburban community with the activity core centered around Winchester and Simpson Roads. The Community Center Overlay accommodates commercial uses, dining, entertainment, lodging, higher intensity residential uses, and offices. The Winchester PA core will be relatively dense, with a mixture of commercial and employment uses. The Community Center Overlay encourages a mixture of uses in the area, contrary to typical zoning.



Southwest Area Plan

Approximately 510 acres of the project area are located within the Southwest Area Plan; refer to [Exhibit 3-10, *Area Plan Amendments*](#). The Southwest Area Plan guides the evolving character of the unincorporated land surrounding the cities of Murrieta and Temecula. It contains a Land Use Plan, statistical summaries and background information, localized policies, and accompanying exhibits to understand the physical, environmental, and regulatory characteristics of the plan area.

San Jacinto Valley Area Plan

A portion of the project area is located within the San Jacinto Valley Area Plan; refer to Exhibit 3-10, Area Plan Amendments. Although, the San Jacinto Valley Area Plan consists of the incorporated cities of Hemet and San Jacinto, the plan guides the development of unincorporated lands within the San Jacinto Valley. Consistent with the other area plans within the General Plan, the San Jacinto Valley Area Plan contains a Land Use Plan, statistical summaries and background information, localized policies, and accompanying exhibits to understand the physical, environmental, and regulatory characteristics of the plan area.

Sun City/Menifee Valley Area Plan

Approximately 1,928 acres of the project area are located within the Sun City/Menifee Valley Area Plan; refer to [Exhibit 3-10](#). The Sun City/Menifee Valley Area Plan guides the development of unincorporated lands within the Menifee Valley. The Cities of Perris, Lake Elsinore, Canyon Lake, and Murrieta frame this 30,000-acre valley on the north, west, and south. This Area Plan contains a Land Use Plan, statistical summaries and background information, localized policies, and accompanying exhibits to understand the physical, environmental, and regulatory characteristics of the plan area.

Riverside County Ordinances

Ordinance No. 348, *Zoning and Land Use Ordinance*: This ordinance establishes allowable uses of land and sets standards for what and how land may be developed. It is intended to protect the people and property of Riverside County from development of unsuitable land uses and ensure built areas are developed safely and with minimal conflict with surrounding lands. For the purpose of providing a uniform basis for zoning, the County establishes zone classifications in Riverside County Ordinances Chapter 17.12, *Zone Classifications and Districts*, referred to alternatively herein as zones, that are applied to the County's unincorporated lands. The Winchester PA's existing zoning is depicted in [Exhibit 3-8, *Existing Zoning – Winchester Policy Area*](#).

As depicted- in [Exhibit 3-8](#), most of the Winchester PA is zoned A-2-2 ½ (Heavy Agriculture), R-R (Rural Residential), SP Zone (Specific Plan), and A-1-10 (Light Agriculture). Other zoning includes MU (Mixed Use), A-1-5 (Light Agriculture), and R-A-20 (Residential Agriculture).

The Highway 79 PA's existing zoning is depicted in [Exhibit 3-9, *Existing Zoning – Highway 79 Policy Area*](#). As depicted in [Exhibit 3-9](#), the Highway 79 PA is primarily zoned Specific Plan, Light Agriculture, and Rural Residential.



Ordinance No. 509, *Agricultural Preserves*: This ordinance establishes uniform rules for the agricultural and compatible uses allowed within an agricultural preserve. The ordinance ensures that incompatible uses are not allowed within established agricultural preserves and sets forth the powers of Riverside County in establishing and administering agricultural preserves pursuant to the California Land Conservation Act of 1965 (CGC § 51200, et seq.), which are to be devoted to agricultural and compatible uses. Land uses not covered in the ordinance are prohibited within agricultural preserves.

Resolution No. 84-526, *Riverside County Rules and Regulations Governing Agricultural Preserves*: These rules and regulations were adopted pursuant to California Government Code Section 51231 to govern agricultural preserve procedures within Riverside County and to aid in Williamson Act implementation. The rules and regulations address procedures for the initiation, establishment, enlargement, disestablishment, and diminishment of agricultural preserves. To protect existing agricultural lands and agricultural preserves within Riverside County, Division VI of the rules require a “Comprehensive Agricultural Preserve Technical Advisory Committee” (CAPTAC) to review and report on land use proposals and applications related to agricultural preserves and advise the Riverside County Board of Supervisors on the administration of agricultural preserves, as well as Williamson Act contract-related matters. In particular, the CAPTAC is charged with reviewing any proposals for the diminishment or disestablishment of an agricultural preserve and providing its recommendations to the Board of Supervisors. Regarding diminishments and disestablishments, the CAPTAC reviews the following findings:

- Whether a notice of nonrenewal has been served pursuant to the Williamson Act, Section 401 of these rules.
- Whether the cancellation is likely to result in the removal of adjacent lands from agricultural use.
- Whether the proposed alternative use of land is consistent with the Riverside County General Plan’s provisions.
- Whether the cancellation will result in discontinuous patterns of urban development.
- Whether there is proximate non-contracted land which is both available and suitable for the use for which the contracted land is being proposed.
- Whether the contracted land’s development would provide more contiguous patterns of urban development than that of proximate non-contracted land.

Ordinance No. 659, *Development Impact Fees*: Ordinance No. 659 establishes and sets forth policies, regulations, and Fees relating to the funding and installation of the facilities and the acquisition of open space and habitat necessary to address the direct and cumulative environmental effects generated by new development projects. A portion of the impact fee is required to be used for transportation signals as well as roads, bridges and major improvements.

Ordinance No. 663, *Stephens’ Kangaroo Rat Mitigation Fee*: The purpose of this ordinance is to finance the preparation, development, and implementation of the Stephen’s Kangaroo Rat (SKR) Habitat Conservation Plan (hcp), including the acquisition of habitat reserve sites, and the



application for a Section 10(a) permit under the Federal Endangered Species Act of 1973. The ordinance provides a method for mitigation of impacts to SKR caused by the loss of its habitat due to development.

Ordinance No. 726, *Transportation Management Requirements: New Development Projects*: This ordinance is intended to meet the requirements of the Riverside County Congestion Management Program and the Air Quality Management Plan as well as to promote consideration of transportation demand management objectives early in the development review process. Often, conventional land development promotes reliance on the single occupancy vehicle. This ordinance establishes policies and procedures to encourage and promote the use of alternative transportation modes through project design and facility planning.

Ordinance No. 748, *Traffic Signal Mitigation Program*: This ordinance establishes a means of equitably assessing the costs of Traffic Signal installations needed to mitigate the cumulative environmental impacts resulting from the additional traffic generated by new development projects.

Ordinance No. 824, *Western Riverside County Transportation Uniform Mitigation Fee (TUMF) Program*: This ordinance establishes fees to fund the mitigation of cumulative regional transportation impacts resulting from future development. The mitigation fees collected through the TUMF program will be utilized to complete transportation system capital improvements necessary to meet the increased travel demand and to sustain current levels of traffic.

Riverside County Ordinances Title 16, *Subdivisions (Ordinance No. 460)*: All land divisions in the County's unincorporated area are subject to all of the applicable provisions of Riverside County Ordinances Title 16 and the Subdivision Map Act. Title 16 includes roadway design standards.

4.11.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the State CEQA Guidelines contains the Environmental Checklist form used during preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- Physically divide an established community (refer to Impact Statement LU-1); and/or
- Cause a 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 (refer to Impact Statement LU-2).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a "less than significant impact" or "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.



4.11.4 IMPACTS AND MITIGATION MEASURES

ESTABLISHED COMMUNITY

LU-1 THE PROPOSED PROJECT COULD PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY.

Impact Analysis

Factors that could physically divide a community include, but are not limited to the:

- Construction of major highways or roadways;
- Construction of storm channels;
- Closing bridges or roadways; and
- Construction of utility transmission lines.

The key factor with respect to this threshold is the potential to create physical barriers that change the connectivity between areas of a community to the extent that persons are separated from other areas of the community.

The project identifies a land use plan and related planning policies to guide change, promote quality development, and implement the community's vision for the area. The proposed plan is a 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 re-alignment of Highway 79. Information from the previous studies and actions was reviewed and incorporated into the project; thereby, facilitating cohesive development for the project area which does not promote the division of any established communities. All future development in the project area would be evaluated at a project-specific level for consistency with the proposed land use plan and design guidelines to ensure the development enhances the Winchester Community and does not physically divide an established community. No impact would occur in this regard.

Mitigation Measures: No mitigation measures are required.

Level of Significance: No Impact.

LAND USE PLANS

LU-2 THE PROPOSED PROJECT COULD CAUSE A SIGNIFICANT ENVIRONMENTAL IMPACT DUE TO A CONFLICT WITH ADOPTED LAND USE PLANS, POLICIES, OR REGULATIONS.

Impact Analysis

The project is subject to several land use plans, policies, and regulations in place for mitigating environmental effects, most notably including the County's General Plan, SCAG 2020-2045 RTP/SCS, WRC-MSHCP, the County Climate Action Plan, and the Airport Master Plans for the



French Valley Airport, March Air Reserve Base, and Hemet-Ryan Airport. Refer to Section 4.3, *Biological Resources*, for a discussion on the project's consistency with the WRC-MSHCP. Refer to Section 4.8, *Greenhouse Gas Emissions*, for a discussion on project consistency with the County Climate Action Plan and Assembly Bill 32. Refer to Section 4.9, *Hazards and Hazardous Materials*, for a discussion concerning the project's consistency with applicable Airport Master Plans. Other environmentally relevant plans, policies, and regulations are discussed in Sections 4.1 through 4.20.

General Plan

The project is subject to Riverside County General Plan and its related area plans that overlay the project area (i.e., HVWAP, SCMVAP, and SWAP). The project's consistency with relevant and applicable policies of General Plan is evaluated in Table 4.11-1, *General Plan Consistency Analysis*.

As demonstrated in Table 4.11-1, the proposed project would be consistent with relevant General Plan policies and impacts would be less than significant.



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Table 4.11-1. General Plan Consistency Analysis

Applicable General Plan Policies	Project Consistency Analysis
Land Use Element	
<p>Policy LU 5.4: Ensure that development and conservation land uses do not infringe upon existing essential public facilities and public utility corridors, which include County regional landfills, fee-owned rights-of-way and permanent easements, whose true land use is that of “public facilities.” This policy will ensure that the “public facilities” designation governs over what otherwise may be inferred by the large-scale general plan maps.</p>	<p><u>Consistent.</u> As discussed in Table 3-1, the project would result in an overall increase of Open Space Foundation Component land uses within the project area, and would decrease Public Facility uses by 77 acres. The County of Riverside would review site-specific development proposals for their potential to conflict with public facility uses as part of the County’s development review process. The project would be consistent with this General Plan policy in this regard.</p>
<p>Policy LU 9.2: Require that development protect environmental resources by compliance with the Multipurpose Open Space Element of the General Plan and Federal and State regulations such as CEQA, NEPA, the Clean Air Act and the Clean Water Act.</p>	<p><u>Consistent.</u> This document analyzes the environmental effects of the proposed project and considers the activities associated with the project to determine the short-term and long-term effects associated with their implementation. The direct and indirect impacts of this project, as well as the cumulative impacts associated with other past, present, and reasonably foreseeable future projects are analyzed in this Draft EIR at a programmatic level; refer to Section 4.1 through 4.20. Environmental resources within the project area are identified and evaluated by topical area in Sections 4.1 through 4.20. Sections 4.1 through 4.20 identify the relevant laws, regulations, and standards (such as applicable Multipurpose Open Space Policies) as well as project-specific mitigation that future development proposals would be subject to in order to reduce impacts to environmental resources. The project would be consistent with this General Plan policy in this regard.</p>
<p>Policy LU 9.4: Allow development clustering and/or density transfers in order to preserve open space, natural resources, cultural resources, and/or biologically sensitive resources. Wherever possible, development on parcels containing 100-year floodplains and blue line streams and other higher-order watercourses and areas of steep slopes adjacent to them shall be clustered so as to keep development out of the watercourse and adjacent steep slope areas, and to be compatible with other nearby land uses.</p>	<p><u>Consistent.</u> It is the project’s goal to promote more compact development and land use synergy. The County of Riverside continue to evaluate development affected by 100-year floodplains, watercourses, or steep slopes as part of the County’s development review process. As concluded in Section 4.3, 4.4, and 4.10, the project would result in less than significant impacts to cultural resources and/or biologically sensitive resources and flooding. The project would be consistent with this General Plan policy in this regard.</p>
<p>Policy LU 21.2: Require that adequate and available circulation facilities, water resources, sewer facilities and/or septic capacity exist to meet the demands of the proposed land use.</p>	<p><u>Consistent.</u> As discussed in Section 4.19, Utilities and Service Systems, the project would result in less than significant impacts to water and sewer facilities following implementation of relevant laws, regulations, and standards. The project would be consistent with this General Plan policy in this regard.</p>



4.11 Land Use and Planning

Table 4.11-1. General Plan Consistency Analysis

Applicable General Plan Policies	Project Consistency Analysis
Policy LU 21.3: Ensure that development does not adversely impact the open space and rural character of the surrounding area.	<u>Consistent.</u> As discussed in Table 3-1 , the project would result in an overall increase of Open Space Foundation Component land uses within the project area. Further, as discussed in Section 4.2, Aesthetics , impacts to visual character and quality would be less than significant. Thus, the project would not adversely impact the open space and rural character of the surrounding area. The project would be consistent with this General Plan policy in this regard.
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.	<u>Consistent.</u> Future development within the project area 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 building massing, height limitations, and setback requirements. The County would review site-specific development proposals to ensure residential projects are adequately buffered to the extent possible from the impacts of abutting agricultural, roadway, commercial and industrial uses based on the proposed Design Guidelines requirements. The project would be consistent with this General Plan policy in this regard.
Policy LU 28.9: Require residential projects to be designed to maximize integration with and connectivity to nearby community centers, rural villages and neighborhood centers.	<u>Consistent.</u> It is the project's goal to reduce distances between housing, workplaces, commercial uses, and other amenities and destinations. The project would also promote more compact development and land use synergy (e.g., residents provide patrons for commercial uses, which provide amenities for residents) and encourage stronger neighborhood character and sense of place. The project would be consistent with this General Plan policy in this regard.
Policy LU 30.3: Protect industrial lands from encroachment of incompatible or sensitive uses, such as residential or schools, that could be impacted by industrial activity.	<u>Consistent.</u> As discussed in Table 3-1 , the project would increase light industrial land uses within the project area by 178 acres. The County would review site-specific development proposals to reduce the potential for land use conflicts as part of the County's development review process. Further, future site specific development proposals would be subject to the existing laws, ordinances, and regulations and proposed mitigation measures identified in Section 4.2, Air Quality , Section 4.8, Greenhouse Gas Emissions , and Section 4.13, Noise . The project would be consistent with this General Plan policy in this regard.
Policy LU 31.2: Protect major public facilities, such as landfill and solid waste processing sites and airports, from the encroachment of incompatible uses.	<u>Consistent.</u> There are no landfills within the project area. As discussed in Section 4.9, Hazards and Hazardous Materials , the project would not conflict with adopted airport land use compatibility plans and would not result in a safety hazard or excessive noise for people residing or working in the project area. The project would be consistent with this General Plan policy in this regard.



Table 4.11-1. General Plan Consistency Analysis

Applicable General Plan Policies	Project Consistency Analysis
Circulation Element	
<p>Policy C 1.4: Utilize existing infrastructure and utilities to the maximum extent practicable and provide for the logical, timely and economically efficient extension of infrastructure and services.</p>	<p><u>Consistent.</u> As discussed in Section 4.17, <i>Transportation</i>, the project area is presently developed with an existing street network and relevant utilities and services. 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.</p> <p>As discussed in Section 4.19, the actual need for new or expanded utility systems would be verified and dependent upon the provider's capacities at the time individual entitlement applications are submitted to the County. Where new or expanded systems/infrastructure or facilities would be warranted to ensure adequate capacity, environmental impacts would be associated with facility construction to the extent that its location, construction methods, and operations affect the site and surrounding land uses. The project would be consistent with this General Plan policy in this regard.</p>
<p>Policy C 3.31: Through the development review process, identify existing dirt roads serving residential areas which may be impacted by traffic from new developments and design new developments such that new traffic is discouraged from using existing dirt roads. When this is unavoidable, require that new developments participate in the improvement of the affected dirt roads.</p>	<p><u>Consistent.</u> As discussed in Section 4.17, the project area is presently developed with an existing street network including paved and unpaved roads. 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 TIPs to offset potential transportation impacts resulting from future development. The project would be consistent with this General Plan policy in this regard.</p>
Multipurpose Open Space Element	
<p>Policy OS 6.1: During the development review process, ensure compliance with the Clean Water Act's Section 404 in terms of wetlands mitigation policies and policies concerning fill material in jurisdictional wetlands.</p>	<p><u>Consistent.</u> As shown in Exhibit 4.4 2, <i>Existing Wetlands</i>, in addition to Diamond Valley Lake and Skinner Reservoir, limited wetlands are dispersed throughout the project area. Future development with potential to affect CDFW-jurisdictional riparian habitats would require a jurisdictional assessment to determine if the project site supports CDFW-protected wetlands. If the jurisdictional delineation determines the project site supports CDFW-jurisdictional riparian habitats, the project applicant would be required to initiate the CDFW permitting process. Pursuant to California Fish and Game Code 1600 et seq. and CWA Sections 401 and 404, the assessment is required to map and identify any wetland/ or riparian/riverine resources present, evaluate the plant species composition, provide a soils analysis (where appropriate), and include avoidance and mitigation measures to reduce impacts to these resources. Additionally, future development that may alter any water course or wetland, located either on-site or on any required off-site improvement areas are required to obtain applicable permits from the appropriate resources agencies. The County would continue to ensure development proposals within the project area comply with the wetland mitigation policies enumerated under the Clean Water Act. The project would be consistent with this General Plan policy in this regard.</p>



Table 4.11-1. General Plan Consistency Analysis

Applicable General Plan Policies	Project Consistency Analysis
Harvest Valley/Winchester Area Plan	
Policy HVWAP 3.1: Encourage mixed land uses within the Winchester Policy area that promote the surrounding recreation, employment, and transit opportunities.	<u>Consistent.</u> The proposed revisions to existing land use designations within the Winchester PA would encourage mixed land uses that promote the surrounding recreation, employment, and transit opportunities. The project would be consistent with this General Plan policy in this regard.
Policy HVWAP 3.4: Permit development to conform to the underlying land use designations 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.	<u>Consistent.</u> The County would continue to review master plans and specific plans at the time individual entitlement applications are submitted to the County and would require plot plans or use permits as needed. The project would be consistent with this General Plan policy in this regard.
Southwest Area Plan	
Policy SWAP 14.1: Require development to adhere to standards established in the Design Standards and Guidelines for Development in the Third and Fifth Supervisorial District.	<u>Consistent.</u> The Third and Fifth Supervisorial District Design Guidelines currently apply only to commercial projects or those residential projects that were approved prior to 2004. The project proposes a new set of Design Guidelines for the project area. The newly created guidelines promote many of the same goals as the Third and Fifth Supervisorial Design Guidelines but have been enhanced to include additional more current design principles as well. The new design guidelines will continue to require quality development for the project area and the project would be consistent with this General Plan policy in this regard.
Sun City/Menifee Valley Area Plan	
Policy SCMVAP 3.1 Adhere to development standards established in the Development Design Standards and Guidelines for the Third and Fifth Supervisorial Districts.	<u>Consistent.</u> The Third and Fifth Supervisorial District Design Guidelines currently apply only to commercial projects or those residential projects that were approved prior to 2004. The project proposes a new set of Design Guidelines for the project area. The newly created guidelines promote many of the same goals as the Third and Fifth Supervisorial Design Guidelines but have been enhanced to include additional more current design principles as well. The new design guidelines will continue to require quality development for the project area and the project would be consistent with this General Plan policy in this regard.
San Jacinto Valley Area Plan	



Table 4.11-1. General Plan Consistency Analysis

Applicable General Plan Policies	Project Consistency Analysis
<p>Policy SJVAP 7.1 Adhere to development standards established in the Development Design Standards and Guidelines for the Third and Fifth Supervisorial Districts.</p>	<p><u>Consistent.</u> The Third and Fifth Supervisorial District Design Guidelines currently apply only to commercial projects or those residential projects that were approved prior to 2004. The project proposes a new set of Design Guidelines for the project area. The newly created guidelines promote many of the same goals as the Third and Fifth Supervisorial Design Guidelines but have been enhanced to include additional more current design principles as well. The new design guidelines will continue to require quality development for the project area and the project would be consistent with this General Plan policy in this regard.</p>



Table 4.11-1. General Plan Consistency Analysis

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Southern California Association of Governments

The project is considered regionally significant and thus is subject to SCAG's 2020-2045 RTP/SCS. The consistency of the proposed project with relevant and applicable policies of SCAG's 2020-2045 RTP/SCS is provided in [Table 4.11-2, SCAG 2020-2045 RTP/SCS Consistency Analysis](#).

Table 4.11-2. SCAG 2020-2045 RTP/SCS Consistency Analysis

Goal	Project Consistency Analysis
Goal 1. Encourage regional economic prosperity and global competitiveness.	<u>Not Applicable</u> . Specifically, Goal 1 of the 2020-2045 RTP/SCS is not adopted for the "purpose of avoiding or mitigating an environmental effect," per Appendix G of the State CEQA Guidelines. Nonetheless, project implementation would allow for future development of the project area to reflect current development trends, economic and market conditions. The project would therefore contribute to regional economic development through the provision of new jobs.
Goal 2. Improve mobility, accessibility, reliability, and travel safety for people and goods.	<u>Consistent</u> . The project would involve revisions to several policies within the Circulation Element to address the transition from level of service (LOS) to vehicle miles travelled (VMT) thresholds in environmental assessment such as this document. Further, future development projects would be evaluated by the County on a case-by-case basis to ensure that adequate access and circulation to and within the development would be provided and impacts to motorists, bicyclists, pedestrians, and transit users are minimized. As such, the project would improve mobility, accessibility, reliability, and travel safety in the project area, which indirectly connects to the overall mobility, accessibility, reliability, and travel safety of the people and goods in the SCAG region.
Goal 3. Enhance the preservation, security, and resilience of the regional transportation system.	<u>Not Applicable</u> . Specifically, Goal 3 of the 2020-2045 RTP/SCS is not adopted for the "purpose of avoiding or mitigating an environmental effect," per Appendix G of the State CEQA Guidelines. Nevertheless, project implementation would accommodate the future development of new roads and upgrades to existing roads within the project area. As noted in Section 4.17 , while the details for future development facilitated by the project are not presently known, the potential for future development to substantially increase hazards would be evaluated at the project-level when a development application is submitted. Future development facilitated by the project would be required to comply with applicable building and fire safety regulations required for the design of new development and emergency access. Additionally, future development would be required to adhere to all State and local requirements for avoiding construction and operations impacts related to design and incompatible uses. Further, adherence to the General Plan policies listed in Section 4.17 would encourage the use of design features which would enhance public safety. Thus, the project would indirectly ensure the security of the regional transportation system.
Goal 4. Increase person and goods throughput and travel choices within the transportation system.	<u>Not Applicable</u> . Specifically, Goal 4 of the 2020-2045 RTP/SCS is not adopted for the "purpose of avoiding or mitigating an environmental effect," per Appendix G of the State CEQA Guidelines.
Goal 5. Reduce greenhouse gas emissions and improve air quality.	<u>Inconsistent</u> . While the project itself would not reduce GHG emissions or improve air quality, it would not prevent SCAG from implementing actions that would reduce GHG emissions or improve air quality within the region. As indicated in Section 4.2 and 4.8 , the project would result in significant and unavoidable impacts to air quality and GHG emissions. Thus, the project would not encourage patterns of development that minimize air pollution and would be inconsistent with Goal 5 of the 2020-2045 RTP/SCS in this regard.



Table 4.11-2. SCAG 2020-2045 RTP/SCS Consistency Analysis, continued

Goal	Project Consistency Analysis
Goal 6. Support healthy and equitable communities.	<u>Not Applicable</u> . Specifically, Goal 6 of the 2020-2045 RTP/SCS is not adopted for the “purpose of avoiding or mitigating an environmental effect,” per Appendix G of the State CEQA Guidelines.
Goal 7. Adapt to a changing climate and support an integrated regional development pattern and transportation network.	<u>Consistent</u> . The project proposes planning policies and direction to guide change, promote quality development, and implement the community’s vision for the area. The plan includes amended General Plan Land Use and Circulation Elements, Design Guidelines, and administrative and implementation programs to encourage high-quality development within the project area and would address mobility and transportation. The project would support an integrated regional development pattern and transportation network in this regard.
Goal 8. Leverage new transportation technologies and data-driven solutions that result in more efficient travel.	<u>Not Applicable</u> . Specifically, Goal 8 of the 2020-2045 RTP/SCS is not adopted for the “purpose of avoiding or mitigating an environmental effect,” per Appendix G of the State CEQA Guidelines. Nonetheless, potential development within the project area would be required to comply with all applicable Title 24 and CALGreen building codes at the time of construction. These building codes would require electric vehicle (EV) charging stations, designated EV parking, as well as bike parking and storage; refer to Section 4.6 . Therefore, proposed development accommodated by the project would leverage technology innovations that result in more efficient travel.
Goal 9. Encourage development of diverse housing types in areas well supported by multiple transportation options.	<u>Consistent</u> . It is the project’s goal to provide greater housing variety and density, more affordable housing, life-cycle housing (e.g., starter homes for larger families to senior housing), workforce housing, and veterans housing, etc. The project would also create a sustainable multi-modal transportation network that includes walkable, bicycle-friendly environments with increased accessibility via transit, resulting in reduced transportation costs; refer to Section 3.5 . The project would be consistent with Goal 9 of the 2020-2045 RTP/SCS in this regard.
Goal 10. Promote conservation of natural and agricultural lands and restoration of critical habitats.	<u>Partially Consistent</u> . As discussed in Section 4.3 , the project would not have significant impacts on natural lands or impede restoration of critical habitats. However, the project would involve significant and unavoidable impacts to agricultural lands; refer to Section 4.2, Agriculture and Forestry Resources . The project would be partially consistent with Goal 10 of the 2020-2045 RTP/SCS in this regard.

Source: SCAG, The 2025-2040 Regional Transportation Plan/Sustainable Communities Strategy – Connect SoCal, September 3, 2020.

As detailed in [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. The project would also only partially achieve Goal 10 of the 2020-2045 RTP/SCS based on its significant and unavoidable impacts to agricultural resources. Impacts would be significant and unavoidable in this regard.

Mitigation Measures: Refer to [Section 4.2](#) and [Section 4.7](#).

Level of Significance: Significant and Unavoidable Impact.



4.11.5 SIGNIFICANT UNAVOIDABLE IMPACTS

As discussed, project implementation would result in significant unavoidable land use impacts as it 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. The project would also only partially achieve Goal 10 of the 2020-2045 RTP/SCS based on its significant and unavoidable impacts to agricultural resources.



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4.12 MINERAL RESOURCES

The purpose of this section is to describe the existing regulatory setting and environmental conditions concerning mineral resources, identify potential impacts that could result from project implementation, and as necessary, recommend mitigation to avoid or reduce the significance of impacts. Information in this section is based primarily on the following sources:

- County of Riverside General Plan
- County of Riverside Draft Environmental Impact Report No. 521 (Draft EIR No. 521)
- USGS Mineral Resource Data System

4.12.1 EXISTING SETTING

Riverside County General Plan Multipurpose Open Space Element Figure OS-6, *Mineral Resource Zones* shows the project area is designated MRZ-3 and Unstudied (no MRZ designation issued). Thus, available geologic information indicates that mineral deposits are likely to exist in the project area, but the significance of those deposits is unknown. Figure OS-6 indicates there are no areas within the Project area designated MRZ-2 (indicating known inferred significant mineral resources). There are no active mining operations within the project area, although there are three historical mines near or within the project area:

- Ensley-Spaulding Deposit (Latitude 33.6433334351, Longitude -117.084724426) located within the Winchester Policy Area.
- Leon Mine (Latitude 33.65222, Longitude -117.13528) located within the Winchester Policy Area.
- Riverside County Gravel pit (Latitude 33.6277770996, Longitude -117.1222229) located within the Highway 79 Policy Area.

USGS data shows that none of the above mines are designated MRZ-2 (indicating known inferred significant mineral resource) (USGS 2021a, 2021b, 2021c).

4.12.2 REGULATORY SETTING

FEDERAL LEVEL

No Federal laws, ordinances, or regulations pertaining to mineral resources apply to the project.

STATE LEVEL

Surface Mining and Reclamation Act of 1975

The California Surface Mining and Reclamation Act of 1975 (SMARA) (PRC §§ 2710-2796) provides a comprehensive surface mining and reclamation policy with the regulation of surface



mining operations to assure that adverse environmental impacts are minimized, and mined lands are reclaimed to a usable condition. This legislation serves as the primary regulation for surface mining in California, and mandates that aggregate resources be identified, mapped, and classified by the State Geologist. This is to ensure that local governments address the presence and attempt to preserve these resources when making land use decisions under their General Plans' umbrella.

SMARA addresses the need for a continuing supply of mineral resources and to prevent or minimize the negative impacts of surface mining on public health, property, and the environment. It applies to anyone—including government agencies—engaged in surface mining operations in California, including Federally managed lands that disturb more than one acre or remove more than 1,000 cubic yards of material cumulatively from one site. Regulated mining activities include prospecting and exploratory activities, dredging and quarrying, streambed skimming, borrow pitting, and the stockpiling of mined materials.

The Division of Mines and Geology is charged with the preparation of Mineral Land Classification Maps for aggregate resources. Areas are divided into four categories:

Mineral Resource Zone 1 (MRZ-1)	Areas where adequate information indicates that no significant ¹ mineral deposits are present, or where it is judged that little likelihood for their presence exists.
Mineral Resource Zone 2 (MRZ-2)	Areas where adequate information indicates that significant mineral deposits are present or where it is judged that a high likelihood for their presence exists.
Mineral Resource Zone 3 (MRZ-3)	Areas containing mineral deposits the significance of which cannot be evaluated from available data.
Mineral Resource Zone 4 (MRZ-4)	Areas where available information is inadequate for assignment of any other MRZ zone.

¹ The use of the term “significant” in these definitions denotes the mineral deposit’s value assumed by the State Geologist and does not necessarily correlate to a level of impact under CEQA.



LOCAL LEVEL

County of Riverside General Plan

Land Use Element

The following policies contained in the County of Riverside General Plan Land Use Element are applicable to the project in regard to mineral resources:

Land Use Element Table LU-4, *Land Use Designations Summary Table*, lists the land uses allowed within each of the County's land use designations and indicates there is one designation specifically intended for mineral resources (i.e., Mineral Resources (MIN)), although mineral resources are allowed in other designations. The MIN designation allows mineral extraction and processing facilities; and areas held in reserve for future mineral extraction and processing.

Multipurpose Open Space Element

The following policies contained in the County of Riverside General Plan Multipurpose Open Space Element are applicable to the project in regard to mineral resources:

- OS 14.1 Require that the operation and reclamation of surface mines be consistent with the State Surface Mining and Reclamation Act (SMARA) and County Development Code provisions.
- OS 14.3 Restrict land uses incompatible with mineral resource recovery within areas designated Open Space-Mineral Resources and within areas designated by the State Mining and Geology Board as being of regional or statewide significance.
- OS 14.4 The County Geologist shall impose conditions as necessary on proposed mining operations projects to minimize or eliminate the potential adverse impact of mining operations on surrounding properties, and environmental resources.
- OS 14.6 Accept California Land Conservation (Williamson Act) contracts on land identified by the State as containing significant mineral deposits subject to the use and acreage limitations established by the County.

Riverside County Ordinances

The following Riverside County Ordinance details regulations and policies that are intended to address mineral resources:

Ordinance No. 555, *Implementing SMARA*: This ordinance addresses mineral extraction's importance to the County of Riverside's (County) economic well-being. It regulates all surface mining operations in the County's unincorporated portions, as authorized by SMARA, to ensure that:

- The production and conservation of minerals is encouraged while considering and balancing values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment. And, at the same time, eliminating or minimizing the residual hazards to public health and safety.



- The adverse effects of surface mining operations are prevented or minimized and that mined lands are reclaimed to a useable condition readily adaptable for alternative land use.
- The reclamation of mined lands is carried out in a way that permits the continued mining of minerals.

4.12.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the State CEQA Guidelines contains the Environmental Checklist form used during preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state (refer to Impact Statement MIN-1);
- Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan refer to Impact Statement MIN-2)?

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

4.12.4 IMPACTS AND MITIGATION MEASURES

LOSS OF KNOWN MINERAL RESOURCE

MIN-1 PROJECT IMPLEMENTATION COULD RESULT IN THE LOSS OF AVAILABILITY OF A KNOWN MINERAL RESOURCE THAT WOULD BE OF VALUE TO THE REGION AND THE RESIDIENTS OF THE STATE.

Impact Analysis

Based on the Riverside County General Plan Multipurpose Open Space Element Figure OS-6, there are no known or inferred significant mineral resources within the project area. Thus, no loss of availability of a known mineral resource of regional or statewide significance would occur. Therefore, no impact concerning mineral resources would occur.

Mitigation Measures: No mitigation measures are required.

Level of Significance: No Impact.



LOSS OF LOCALLY-IMPORTANT MINERAL RESOURCE

MIN-2 PROJECT IMPLEMENTATION COULD RESULT IN THE LOSS OF AVAILABILITY OF A LOCALLY-IMPORTANT MINERAL RESOURCE RECOVERY SITE DELINEATED ON A LOCAL GENERAL PLAN, SPECIFIC PLAN OR OTHER LAND USE PLAN.

Impact Analysis

No portion of the project area is designated Mineral Resources (MR); see [Exhibit 3-6, *Existing Land Uses – Winchester Policy Area*](#), and [Exhibit 3-7, *Existing Land Uses - Highway 79 Policy Area*](#). Three historic mines are near or within the project area, but these mines have ceased operations and USGS data shows that none are designated MRZ-2 (indicating known inferred significant mineral resource) (USGS 2021a, 2021b, 2021c). Therefore, the project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

Mitigation Measure: No mitigation measures are required.

Level of Significance: No Impact.

4.12.5 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable mineral resource impacts would occur as a result of the Winchester Community Plan.



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4.13 NOISE AND VIBRATION

The purpose of this section is to describe the existing regulatory setting and environmental conditions concerning noise and vibration, identify potential impacts that could result from project implementation, and as necessary, recommend mitigation to avoid or reduce the significance of impacts. Noise modeling results are provided in [Appendix D: Noise Data](#).

Information in this section is based primarily on the following sources:

- County of Riverside General Plan
- County of Riverside Environmental Impact Report No. 521 (EIR No. 521)

4.13.1 EXISTING SETTING

NOISE SCALES AND DEFINITIONS

Sound is described in terms of the loudness (amplitude) of the sound and frequency (pitch) of the sound. The standard unit of measurement of the loudness of sound is the decibel (dB). Since the human ear is not equally sensitive to sound at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) performs this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear.

Decibels are based on the logarithmic scale. The logarithmic scale compresses the wide range in sound pressure levels to a more usable range of numbers in a manner similar to the Richter scale used to measure earthquakes. In terms of human response to noise, a sound 10 dBA higher than another is judged to be twice as loud, and 20 dBA higher four times as loud, and so forth. Everyday sounds normally range from 30 dBA (very quiet) to 100 dBA (very loud). Examples of various sound levels in different environments are illustrated on [Exhibit 4.13-1, Common Environmental Noise Levels](#).

Many methods have been developed for evaluating community noise to account for, among other things:

- The variation of noise levels over time;
- The influence of periodic individual loud events; and
- The community response to changes in the community noise environment.

Numerous methods have been developed to measure sound over a period of time; refer to [Table 4.13-1, Noise Descriptors](#).

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Typical Community Noise Levels

**Table 4.13-1. Noise Descriptors**

Term	Definition
Decibel (dB)	The unit for measuring the volume of sound equal to 10 times the logarithm (base 10) of the ratio of the pressure of a measured sound to a reference pressure (20 micropascals).
A-Weighted Decibel (dBA)	A sound measurement scale that adjusts the pressure of individual frequencies according to human sensitivities. The scale accounts for the fact that the region of highest sensitivity for the human ear is between 2,000 and 4,000 cycles per second (hertz).
Equivalent Sound Level (L_{eq})	The sound level containing the same total energy as a time varying signal over a given time period. The L_{eq} is the value that expresses the time averaged total energy of a fluctuating sound level.
Maximum Sound Level (L_{max})	The highest individual sound level (dBA) occurring over a given time period.
Minimum Sound Level (L_{min})	The lowest individual sound level (dBA) occurring over a given time period.
Community Noise Equivalent Level (CNEL)	A rating of community noise exposure to all sources of sound that differentiates between daytime, evening, and nighttime noise exposure. These adjustments are +5 dBA for the evening, 7:00 PM to 10:00 PM, and +10 dBA for the night, 10:00 PM to 7:00 AM.
Day/Night Average (L_{dn})	The L_{dn} is a measure of the 24-hour average noise level at a given location. It was adopted by the U.S. Environmental Protection Agency (EPA) for developing criteria for the evaluation of community noise exposure. It is based on a measure of the average noise level over a given time period called the L_{eq} . The L_{dn} is calculated by averaging the L_{eq} 's for each hour of the day at a given location after penalizing the "sleeping hours" (defined as 10:00 PM to 7:00 AM) by 10 dBA to account for the increased sensitivity of people to noises that occur at night.
Exceedance Level (L_n)	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% (L_{01} , L_{10} , L_{50} , L_{90} , respectively) of the time during the measurement period.

Source: Harris 1979.

HEALTH EFFECTS OF NOISE

Human response to sound is highly individualized. Annoyance is the most common issue regarding community noise. However, many factors influence people's response to noise. The factors can include the character of the noise, the variability of the sound level, the presence of tones or impulses, and the time of day of the occurrence. Additionally, non-acoustical factors, such as the person's opinion of the noise source, the ability to adapt to the noise, the attitude towards the source and those associated with it, and the predictability of the noise, all influence people's response. As such, response to noise varies widely from one person to another and with any particular noise, individual responses will range from "not annoyed" to "highly annoyed."

The effects of noise are often only transitory, but adverse effects can be cumulative with prolonged or repeated exposure. The effects of noise on the community can be organized into six broad categories:

- Noise-induced hearing loss



4.13 Noise and Vibration

- Interference with communication
- Effects of noise on sleep
- Effects on performance and behavior
- Extra-auditory health effects
- Annoyance

According to the US Public Health Service, nearly 10 million of the estimated 21 million Americans with hearing impairments owe their losses to noise exposure. Noise can mask important sounds and disrupt communication between individuals in a variety of settings. This process can cause anything from a slight irritation to a serious safety hazard, depending on the circumstance. Noise can disrupt face-to-face communication and telephone communication, and the enjoyment of music and television in the home. It can also disrupt effective communication between teachers and pupils in schools and cause fatigue and vocal strain in those who need to communicate in spite of the noise.

Interference with communication has proved to be one of the most important components of noise-related annoyance. Noise-induced sleep interference is one of the critical components of community annoyance. Sound level, frequency distribution, duration, repetition, and variability can make it difficult to fall asleep and may cause momentary shifts in the natural sleep pattern, or level of sleep. It can produce short-term adverse effects on mood changes and job performance, with the possibility of more serious effects on health if it continues over long periods. Noise can cause adverse effects on task performance and behavior at work, and non-occupational and social settings. These effects are the subject of some controversy, since the presence and degree of effects depends on a variety of intervening variables. Most research in this area has focused mainly on occupational settings, where noise levels must be sufficiently high and the task sufficiently complex for effects on performance to occur.

Annoyance can be viewed as the expression of negative feelings resulting from interference with activities, as well as the disruption of one's peace of mind and the enjoyment of one's environment. Field evaluations of community annoyance are useful for predicting the consequences of planned actions involving highways, airports, road traffic, railroads, or other noise sources. The consequences of noise-induced annoyance are privately held dissatisfaction, publicly expressed complaints to authorities, and potential adverse health effects, as discussed above. In a study conducted by the US Department of Transportation, the effects of annoyance to the community were quantified. In areas where noise levels were consistently above 60 dBA CNEL, approximately nine percent of the community is highly annoyed. When levels exceed 65 dBA CNEL, that percentage rises to 15 percent. Although evidence for the various effects of noise have differing levels of certainty, it is clear that noise can affect human health. Most of the effects are, to a varying degree, stress related.

GROUND-BORNE VIBRATION

Sources of earthborne vibrations include natural phenomena (earthquakes, volcanic eruptions, sea waves, landslides, etc.) or man-made causes (explosions, machinery, traffic, trains,



construction equipment, etc.). Vibration sources may be continuous (e.g., factory machinery) or transient (e.g., explosions).

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is the peak particle velocity (PPV); another is the root mean square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. PPV is typically used for evaluating potential building damage, whereas PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration. Typically, ground-borne vibration, generated by man-made activities, attenuates rapidly with distance from the source of vibration. Man-made vibration issues are therefore usually confined to short distances (i.e., 500 feet or less) from the source. Both construction and operation of development projects can generate ground-borne vibration.

Table 4.13-2, *Human Reaction and Damage to Buildings for Continuous Vibration Levels*, displays the reactions of people and the effects on buildings produced by continuous vibration levels. The annoyance levels shown in Table 4.13-2 should be interpreted with care since vibration may be found to be annoying at much lower levels than those listed, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage. In high noise environments, which are more prevalent where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows.

Table 4.13-2. Human Reaction and Damage to Buildings for Continuous Vibration Levels

Peak Particle Velocity (inch/second)	Human Reaction	Effect on Buildings
0.006–0.019	Range of threshold of perception	Vibrations unlikely to cause damage of any type
0.08	Vibrations readily perceptible	Recommended upper level to which ruins and ancient monuments should be subjected
0.1	Level at which continuous vibrations may begin to annoy people, particularly those involved in vibration sensitive activities	Virtually no risk of architectural damage to normal buildings
0.2	Vibrations may begin to annoy people in buildings	Threshold at which there is a risk of architectural damage to normal dwellings ¹
0.4–0.6	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges	Architectural damage and possibly minor structural damage

Note: Historic and some old buildings have a threshold of 0.25 PPV (in/sec).
Source: Caltrans 2020, Table 2020.



SENSITIVE RECEPTORS

Sensitive populations are more susceptible to the effects of noise than are the general population. Land uses considered sensitive by the State of California include schools, playgrounds, athletic facilities, hospitals, rest homes, rehabilitation centers, long-term care and mental care facilities. Generally, a sensitive receptor is identified as a location where human populations (especially children, senior citizens, and sick persons) are present.

Land uses less sensitive to noise are business, commercial, and professional developments. Noise receptors categorized as being least sensitive to noise include industrial, manufacturing, utilities, agriculture, natural open space, undeveloped land, parking lots, warehousing, and transit terminals. These types of land uses often generate high noise levels. Moderately sensitive land uses typically include multi-family dwellings, hotels, motels, dormitories, and outpatient clinics.

AMBIENT NOISE MEASUREMENTS

Mobile Sources

Roadways

The primary noise sources in the project's vicinity are from mobile traffic noise along local and regional roadways. Existing roadway noise levels were calculated for the roadway segments in the project area. This task was accomplished using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA-RD-77-108) and existing traffic volumes from the most current version of Riverside County's travel demand model, RivTAM (referred to as the "RivTAM Model"). The noise prediction model calculates the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and site environmental conditions. The average vehicle noise rates (also referred to as energy rates) used in the FHWA model have been modified to reflect average vehicle noise rates identified for California by the California Department of Transportation (Caltrans). The Caltrans data indicates that California automobile noise is 0.8 to 1.0 dBA higher than national levels and that medium and heavy truck noise is 0.3 to 3.0 dBA lower than national levels. The average daily noise levels along roadway segments in within and near the project area are included in [Table 4.13-3, Existing Traffic Noise Levels](#).

Table 4.13-3. Existing Traffic Noise Levels

Roadway Segment	ADT	dBA L _{dn} ¹
Briggs Road		
South of Scott Rd	1,291	60.1
Watson Rd to SR 74	2,639	62.5
SR 74 to Case Rd	2,389	62.1
Grand Ave to Simpson Rd	2,020	61.4
Olive Ave to Domenigoni Pkwy	3,670	62.1
Domenigoni Pkwy to Old Newport Rd	860	55.8
Holland Rd to Garbani Rd	1,690	59.8
Garbani Rd to Wickerd Rd	2,300	61.1
Domenigoni Parkway		
SR 79/Winchester Rd to Patterson Rd	26,910	75.1



Table 4.13-3: Existing Traffic Noise Levels, continued

Roadway Segment	ADT	dBA L _{dn} ¹
East of Patterson Ave	28,050	75.3
West of Warren Rd	28,050	75.2
Warren Rd to Fisher St	22,628	74.2
Ethanac Road		
Sherman Rd to Dawson Rd	5,536	65.4
Garbani Road		
I-215 to Menifee Rd	4,124	64.1
Menifee Rd to Lindenberger Rd	1,860	61.2
Briggs Rd to El Centro Ln	860	57.8
Leon Rd to Eucalyptus Rd	-	-
Grand Avenue		
Briggs Rd to Matthews Rd/Case Rd	530	53.6
East of Leon Rd	820	56.2
Patterson Ave to Eil Callado Rd/Remington Way	-	-
Holland Road		
I-215 to Hanover Ln	4,223	64.0
Menifee Rd to Bell Mountain Rd	770	56.6
Briggs Rd to Leon Rd	200	49.9
Leon Rd to Eucalyptus Rd	200	49.9
Leon Road		
Scott Rd to Keller Rd	6,657	66.4
Wickerd Rd to Scott Rd	5,440	66.1
Holland Rd to Craig Ave	3,510	64.1
Domenigoni Pkwy to Holland Rd	3,550	62.2
Olive Ave to Domenigoni Pkwy	1,160	58.0
Simpson Rd to Olive Ave	410	53.5
Grand Ave to Simpson Rd	3,280	62.4
McCall Boulevard		
Encanto Dr to Sherman Rd	18,482	70.0
Menifee Rd to Heritage Lake Dr	13,362	68.0
Menifee Road		
Garbani Rd to Wickerd Rd	2,710	62.2
Holland Rd to Garbani Rd	5,270	64.4
Newport Rd to Holland Rd	5,322	64.5
Simpson Rd to Newport Rd	1,150	57.8
McCall Blvd to Simpson Rd	4,100	64.5
Case Rd/Matthews Rd to McCall Blvd	10,396	68.5
Watson Rd to SR 74	6,879	66.6
Scott Rd to Keller Rd	2,740	61.4
Northbound I-215		
McCall Blvd to Newport Rd	30,382	74.4
Ethanac Rd to McCall Blvd	35,650	75.1
Newport Rd to Garbani Rd	23,799	73.2
Garbani Rd to Scott Rd	55,561	76.9
Scott Rd to Clinton Keith Rd	51,299	76.5
Ethanac Rd to SR 74	35,329	74.8
Southbound I-215		
McCall Blvd to Newport Rd	25,418	73.1
Ethanac Rd to McCall Blvd	39,916	75.0
Newport Rd to Garbani Rd	29,424	73.6



Table 4.13-3: Existing Traffic Noise Levels, continued

Roadway Segment	ADT	dBA L _{dn} ¹
Garbani Rd to Scott Rd	62,492	76.8
Scott Rd to Clinton Keith Rd	35,691	74.4
Ethanac Rd to SR 74	40,312	74.9
Newport Road		
Antelope Rd to Westlink Dr/Via Corazon	32,514	72.0
Laguna Vista Dr to Lindenberger Rd	20,200	69.9
Lindenberger Rd to Briggs Rd	21,135	71.3
Briggs Rd to Leon Rd	17,450	70.5
Leon Rd to Rice Rd	20,675	71.2
Rice Rd to SR 79/Winchester Rd	30,144	72.8
Olive Avenue		
Lindenberger Rd to Leon Rd	380	52.4
Leon Rd to Dawn Ln	440	53.0
Dawn Ln to Olive Ave/Rice Rd	160	48.5
West of SR 79/Winchester Rd	90	46.0
Poplar Street		
Warren Rd to Fisher St	-	-
Scott Road		
I-215/Antelope Rd to Haleblian Rd/Bellamy Ln	16,453	69.7
Menifee Rd to Lindenberger Rd	13,726	68.9
Briggs Rd to El Centro Ln	14,478	67.2
Merritt Rd to Leon Rd	5,683	63.7
Leon Rd to Louise Rd	2,290	59.7
Ashford Ln to SR 79/Winchester Rd	5,439	64.7
East of SR 79/Winchester Rd	4,005	61.4
Simpson Road		
Menifee Rd to Lindenberger Rd	3,589	62.3
Briggs Rd to La Ventana Rd	2,920	61.3
Adams St to Rice Rd	4,780	63.5
East of Patterson Ave	5,726	64.2
West of California Ave	3,370	61.9
SR-74		
Menifee Rd to Malaga Rd	26,130	70.8
Leon Rd to Juniper Flats Rd	26,740	70.9
Joppe Ave to Cortrite Ave	24,620	70.5
East of California Ave	33,080	71.7
West of Warren Rd	33,080	71.7
SR-79		
North of SR 74	-	-
Max Gilliss Blvd/Thompson Rd to Skyview Rd	17,660	69.6
Pourroy Rd/Abelia St to Keller Rd	22,299	70.5
Scott Rd/Washington St to Keller Rd	21,491	70.4
Scott Rd/Washington St to Holland Rd	20,150	71.2
Newport Rd to Holland Rd	20,270	71.2
SR 74 to Stetson Ave	12,420	66.6
Grand Ave to Simpson Rd	11,890	65.7
Simpson Rd to Olive Ave	12,210	65.8
Domenigoni Pkwy to Newport Rd	19,050	70.8
Newport Rd to Domenigoni Pkwy	-	-
Domenigoni Pkwy to Stowe Rd	-	-

**Table 4.13-3: Existing Traffic Noise Levels, continued**

Roadway Segment	ADT	dBA L _{dn} ¹
Stowe Rd to SR 74	-	-
SR 74 to W Esplanade Ave	-	-
Stetson Avenue		
East of California Ave	-	-
Walden Weaver Rd to S Cawston Ave	6,420	62.8
Acacia Avenue		
Cawston Ave N to S Sanderson Ave	8,370	64.0
Warren Road		
Simpson Rd to Domenigoni Pkwy	12,068	65.5
Stetson Ave to Simpson Rd	11,310	65.9
North of Stetson Ave	14,650	68.3
South of SR 74	14,700	68.3
ADT = average daily trips; dBA = A-weighted decibels; L _{dn} = day-night noise level		
1. Traffic noise levels are at 100 feet from the roadway centerline.		
Source: Based on traffic data obtained from the RivTam Model, 2020. Refer to Appendix A for traffic noise modeling assumptions and results.		

As indicated in [Table 4.13-5](#), existing traffic noise levels range between 46.0 dBA L_{dn} and 76.9 dBA L_{dn} in the project area's vicinity, with the highest noise levels occurring along I-215.

Airports

As discussed above, there are no public airports or public use airports in the Winchester PA. The French Valley Airport is within the Highway 79 PA, in the unincorporated area immediately north of the City of Temecula. In addition, the March Air Reserve Base and the Hemet-Ryan Airport are located outside of the project area but include airport influence areas that extend into the project area. The Airport Influence Area boundaries for all three airports are shown in [Exhibit 4.9-1](#). Portions of the project area are within the French Valley Airport 55-70 dB CNEL noise contour and the Heme-Ryan Airport 55-65 dB CNEL noise contour. No portion of the project area is within the March Air Reserve Base noise contour.

Stationary Noise Sources

Stationary noise sources within the project area are residential, commercial, and industrial uses, as well as ambient environmental noise and consist of wind, birds chirping, insects, household appliances, lawn mowers, mechanical equipment, parking lot activity, etc. The noise associated with these sources may represent a single-event noise occurrence or short-term noise.

4.13.2 REGULATORY SETTING

This section summarizes the laws, ordinances, regulations, and standards that are applicable to the project. Regulatory requirements related to environmental noise are typically promulgated at the local level. However, Federal and State agencies provide standards and guidelines to the local jurisdictions.



FEDERAL LEVEL

US Environmental Protection Agency

The US Environmental Protection Agency (EPA) offers guidelines for community noise exposure in the publication *Noise Effects Handbook – A Desk Reference to Health and Welfare Effects of Noise*. These guidelines consider occupational noise exposure as well as noise exposure in homes. The EPA recognizes an exterior noise level of 55 decibels day-night level (dB L_{dn}) as a general goal to protect the public from hearing loss, activity interference, sleep disturbance, and annoyance. The EPA and other Federal agencies have adopted suggested land use compatibility guidelines that indicate that residential noise exposures of 55 to 65 dB L_{dn} are acceptable. However, the EPA notes that these levels are not regulatory goals, but are levels defined by a negotiated scientific consensus, without concern for economic and technological feasibility or the needs and desires of any particular community.

Federal Transit Administration

Surface transportation system noise is regulated by a host of agencies, including the Federal Transit Administration (FTA), which regulates transit noise, while freeways that are part of the interstate highway system are regulated by the Federal Highway Administration (FHWA). Although the project is not under the jurisdiction of the FTA, the Transit Noise and Vibration Assessment Manual (FTA Manual), prepared by the FTA, September 2018, is the only guidance document from a government agency that defines what constitutes a significant noise impact from implementing a project. The FTA standards are based on extensive studies by the FTA and other governmental agencies on the human effects and reaction to noise and a summary of the FTA findings are provided below in the [Table 4.13-4, FTA Project Effects on Cumulative Noise Exposure](#).

Table 4.13-4. FTA Project Effects on Cumulative Noise Exposure

Existing Noise Exposure (dBA L _{eq} or L _{dn})	Allowable Noise Impact Exposure dBA L _{eq} or L _{dn}		
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable
45	51	52	+7
50	53	55	+5
55	55	58	+3
60	57	62	+2
65	60	66	+1
70	64	71	+1
75	65	75	0

Source: Federal Transit Administration, 2018.



STATE LEVEL

Office of Planning and Research Noise Element Guidelines

The Governor's Office of Planning and Research Noise Element Guidelines include recommended exterior and interior noise level standards for local jurisdictions to identify and prevent the creation of incompatible land uses due to noise. The Noise Element Guidelines contain a land use compatibility table that describes the compatibility of various land uses with a range of environmental noise levels in terms of the CNEL. [Table 4.13-5, *Land Use Compatibility for Community Noise Environments*](#), presents guidelines for determining acceptable and unacceptable community noise exposure limits for various land use categories. The guidelines also present adjustment factors that may be used to arrive at noise acceptability standards that reflect the noise control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution.

Table 4.13-5. Land Use Compatibility for Community Noise Environments

Land Use Category	Community Noise Exposure (CNEL)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential-Low Density, Single-Family, Duplex, Mobile Homes	50 – 60	55 - 70	70 – 75	75 – 85
Residential – Multiple Family	50 – 65	60 – 70	70 – 75	70 – 85
Transient Lodging – Motel, Hotels	50 – 65	60 – 70	70 – 80	80 – 85
Schools, Libraries, Churches, Hospitals, Nursing Homes	50 – 70	60 – 70	70 – 80	80 – 85
Auditoriums, Concert Halls, Amphitheaters	NA	50 – 70	NA	65 – 85
Sports Arenas, Outdoor Spectator Sports	NA	50 – 75	NA	70 – 85
Playgrounds, Neighborhood Parks	50 – 70	NA	67.5 – 77.5	72.5 – 85
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50 – 70	NA	70 – 80	80 – 85
Office Buildings, Business Commercial and Professional	50 – 70	67.5 – 77.5	75 – 85	NA
Industrial, Manufacturing, Utilities, Agriculture	50 – 75	70 – 80	75 – 85	NA
CNEL = community noise equivalent level; NA = not applicable				
NORMALLY ACCEPTABLE: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.				
CONDITIONALLY ACCEPTABLE: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features have been included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.				
NORMALLY UNACCEPTABLE: New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise-insulation features must be included in the design.				
CLEARLY UNACCEPTABLE: New construction or development should generally not be undertaken.				
Source: OPR 2017.				

As shown, the range of noise exposure levels overlap between the normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable categories. OPR's



State General Plan Guidelines note that noise planning policy needs to be rather flexible and dynamic to reflect not only technological advances in noise control, but also economic constraints governing application of noise-control technology and anticipated regional growth and demands of the community. In project-specific analyses, each community must decide the level of noise exposure its residents are willing to tolerate within a limited range of values below the known levels of health impairment. Therefore, the County may use its discretion to determine which noise levels are considered acceptable or unacceptable, based on land use, project location, and other project factors.

California Building Code

Title 24 of the California Code of Regulations contains standards for allowable interior noise levels associated with exterior noise sources. The standards apply to new hotels, motels, dormitories, apartment houses, and dwellings other than detached single-family residences. The standards require interior noise level attributable to exterior sources not exceed 45 dBA CNEL in any habitable room. Multi-family residential structures proposed where the CNEL would exceed 60 dBA requires an acoustical analysis showing that the proposed building design would achieve the prescribed allowable interior noise standard.

California Noise Insulation Standards

The California Noise Insulation Standards (CCR Title 25 Section 1092) establish uniform minimum noise insulation performance standards for new hotels, motels, dormitories, apartment houses and dwellings other than detached single-family dwellings. Specifically, Title 25 specifies that interior noise levels attributable to exterior sources shall not exceed 45 dBA L_{dn} /CNEL (i.e., the same levels that the EPA recommends for residential interiors) in any habitable room of a new dwelling. An acoustical study must be prepared for proposed multiple unit residential and hotel/motel structures where outdoor L_{dn} /CNEL is 60 dBA or greater. The study must demonstrate that the design of the building would reduce interior noise to 45 dBA L_{dn} /CNEL or lower. Because noise levels can increase over time in developing areas, Title 25 also specifies that dwellings are to be designed so that interior noise levels will meet this standard for at least ten years from the time of building permit application.

LOCAL LEVEL

County of Riverside General Plan

The following policies contained in the County of Riverside General Plan are applicable to the project in regard to noise and vibration:

- N 1.1 Protect noise-sensitive land uses from high levels of noise by restricting noise-producing land uses from these areas. If the noise-producing land use cannot be relocated, then noise buffers such as setbacks, landscaping, or block walls shall be used.
- N 1.2 Guide noise-tolerant land uses into areas irrevocably committed to land uses that are noise-producing, such as transportation corridors or within the projected noise contours of any adjacent airports.



4.13 Noise and Vibration

N 1.3 Consider the following uses noise-sensitive and discourage these uses in areas in excess of 65 CNEL:

- Schools.
- Hospitals.
- Rest Homes.
- Long Term Care Facilities.
- Mental Care Facilities.
- Residential Uses.
- Libraries.
- Passive Recreation Uses.
- Places of Worship.

N 2.3 Mitigate exterior and interior noises to the levels listed in the table below (Table 4.13-6, *Stationary Source Land Use Noise Standards*¹) to the extent feasible, for stationary sources:

Table 4.13-6. Stationary Source Land Use Noise Standards¹

Land Use	Interior Standards	Exterior Standards
<i>Residential</i>		
10:00 PM – 7:00 AM	40 L _{eq} (10 minute)	45 L _{eq} (10 minute)
7:00 AM to 10:00 PM	55 L _{eq} (10 minute)	65 L _{eq} (10 minute)
Notes: 1. These are only preferred standards; final decision will be made by the Riverside County Planning Department and Office of Public Health.		

N 3.1 Protect Riverside County’s agricultural resources from noise complaints that may result from routine farming practices, through the enforcement of the Riverside County Right-to-Farm Ordinance.

N 7.1 New land use development within Airport Influence Areas shall comply with airport land use noise compatibility criteria contained in the corresponding airport land use compatibility plan for the area. Each Area Plan affected by a public-use airport includes one or more Airport Influence Areas, one for each airport. The applicable noise compatibility criteria are fully set forth in [General Plan] Appendix I-1L and summarized in the Policy Area section of the affected Area Plans.

N 7.3 Prohibit new residential land uses, except construction of a single-family dwelling on a legal residential lot of record, within the current 60 dB CNEL contours of any currently operating public-use or military airports. The applicable noise contours are as defined by the Riverside County Airport Land Use Commission and



depicted in [General Plan] Appendix I-1L, as well as in the applicable Area Plan's Airport Influence Area section.

- N 12.1 Utilize natural barriers such as hills, berms, boulders, and dense vegetation to assist in noise reduction.
- N 12.2 Utilize dense landscaping to effectively reduce noise. However, when there is a long initial period where the immaturity of new landscaping makes this approach only marginally effective, utilize a large number of highly dense species planted in a fairly mature State, at close intervals, in conjunction with earthen berms, setbacks or block walls.
- N 14.3 Incorporate acoustic site planning into the design of new development, particularly large scale, mixed-use, or master-planned development, through measures which may include:
- Separation of noise-sensitive buildings from noise generating sources.
 - Use of natural topography and intervening structure to shield noise-sensitive land uses.
 - Adequate soundproofing within the receiving structure.
- N 16.1 Restrict the placement of sensitive land uses in proximity to vibration-producing land uses. (AI 105)
- N 16.3 Prohibit exposure of residential dwellings to perceptible ground vibration from passing trains as perceived at the ground or second floor. Perceptible motion shall be presumed to be a motion velocity of 0.01 inches/second over a range of 1 to 100 Hz.
- C 20.8 Protect Riverside County residents from transportation generated noise hazards. Increased setbacks, walls, landscaped berms, other sound absorbing barriers or a combination thereof shall be provided along freeways, expressways and four-lane highways in order to protect adjacent noise-sensitive land uses from traffic-generated noise impacts. Additionally, noise generators such as commercial, manufacturing and/or industrial activities shall use these techniques to mitigate exterior noise levels to no more than 60 decibels.
- LU 1.8 As required by the Airport Land Use Law, submit certain proposed actions to the Riverside County Airport Land Use Commission for review. Such actions include proposed amendments to the general plan, area plans, or specific plans, as well as proposed revisions to the zoning ordinance and building codes.

Harvest Valley/Winchester Area Plan

The following policies contained in the Harvest Valley/Winchester Area Plan are applicable to the project in regard to noise and vibration:



HVWAP 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.

Airport Land Use Compatibility Plans

The Riverside County Airport Land Use Commission (ALUC) adopted the Riverside County Airport Land Use Compatibility Plan (ALUCP) Policy Document which establishes land use compatibility planning and policies near airports throughout the County. This policy document replaced compatibility plans (ALUCPs) for individual airports adopted by ALUC at various times from 1974 through 1998. Individual airports covered under the new master ALUCP have varying adoption dates (the earliest new adoption date was 2005). In cases where the master ALUCP has not been adopted yet, the given airport would continue to implement its existing individual airport compatibility plan.

These ALUCP documents promote compatibility between airports and the land uses that surround them. As required by California State law, either the policy document or an earlier ALUCP has been adopted for all of the public-use and military airports in Riverside County, while preparation of compatibility plans for private-use airports is at the ALUC's discretion.

There are no public airports or public use airports within the project area. The French Valley Airport, which is at 37600 Sky Canyon Drive, is a private airport within the project area (i.e., within the Highway 79 PA). There are two nearby airports: the March Air Reserve Base; and the Hemet-Ryan Airport. These two airports are outside of the project area but include airport influence areas that extend into the project area. The March Air Reserve Base is at 363 Graeber Street, approximately 10 miles northwest of the project area. The Hemet-Ryan Airport is at 4710 West Stetson Avenue, approximately 1.0 mile east of the project area. The Airport Influence Area boundaries for all three airports are shown in [Exhibit 4.9-1](#).

Riverside County Ordinances

The Riverside County Ordinances contains regulations and policies intended to address noise within Riverside County.

Ordinance No. 847, *Regulating Noise*: The County Noise Ordinance addresses sound disturbances and sets various acceptable noise limits. Though not explicitly used to set CEQA thresholds, the ordinance does “establish countywide standards regulating noise,” although a number of activities and uses are exempt from the regulations. [Table 4.13-7, Riverside County Ordinance No. 847 Sound Level Standards](#), below, lists the sound level standards associated with various land uses. The County Noise Ordinance also sets a series of additional “special sound source standards” that apply to motor vehicles, power tools and equipment, audio equipment, sound amplifying equipment and live music.



Table 4.13-7. Riverside County Ordinance No. 847 Sound Level Standards

General Plan Land Use Information				Maximum Decibel Level (dB L _{max})		
Foundation Component	Land Use Designation		Density (AC) or FAR ¹	7 am – 10 pm	10 pm – 7 am	
COMMUNITY DEVELOPMENT	EDR	Estate Density Residential	2 ac min. lot	55	45	
	VLDR	Very Low Density Residential	1 ac min. lot	55	45	
	LDR	Low Density Residential	0.5 ac min. lot	55	45	
	MDR	Medium Density Residential	2-5 du/ac	55	45	
	MHDR	Medium-High Density Residential	5-8 du/ac	55	45	
	HDR	High Density Residential	8-14 du/ac	55	45	
	VHDR	Very High Density Residential	14-20 du/ac	55	45	
	HHDR	Highest Density Residential	20+ du/ac	55	45	
	CR	Commercial Retail	0.20 - 0.35 FAR	65	55	
	CO	Commercial Office	0.25 - 1.0 FAR	65	55	
	CT	Commercial Tourist	0.20 - 0.35 FAR	65	55	
	CC	Community Center	5 - 40 du/ac 0.10 - 0.30 FAR	65	55	
	LI	Light Industrial	0.25 - 0.60 FAR	75	55	
	HI	Heavy Industrial	0.15 - 0.50 FAR	75	75	
	BP	Business Park	0.25 - 0.60 FAR	65	45	
	PF	Public Facilities	≤ 0.60 FAR	65	45	
	SP	Specific Plan-Residential			55	45
		Specific Plan-Commercial			65	55
SP - Light Industrial			75	55		
SP - Heavy Industrial			75	75		
RURAL COMMUNITY	EDR	Estate Density Residential	2 AC	55	45	
	VLDR	Very Low Density Residential	1 AC	55	45	
	LDR	Low Density Residential	0.5 AC	55	45	
RURAL	RR	Rural Residential	5 AC	45	45	
	RM	Rural Mountainous	10 AC	45	45	
	RD	Rural Desert	10 AC	45	45	
AGRICULTURE	AG	Agriculture	10 AC	45	45	
OPEN SPACE	C	Conservation		45	45	
	CH	Conservation Habitat		45	45	
	REC	Recreation		45	45	



General Plan Land Use Information			Maximum Decibel Level (dB L _{max})		
Foundation Component	Land Use Designation		Density (AC) or FAR ¹	7 am – 10 pm	10 pm – 7 am
	RUR	Rural	20 ac min. lot	45	45
	W	Watershed		45	45
	MR	Mineral Resources		75	45
Notes:					
Density (min. lot size per dwelling unit or du per acre); Floor-Area Ratio (FAR) (buildable area per net lot acreage).					
Source: Riverside County Ordinance No. 847.1, Regulating Noise.					

The County Noise Ordinance sets various limits for acceptable noise levels depending on the type of land use. For open space and residential areas, the acceptable nighttime threshold is much lower (45 dB L_{max}) than for areas used for commercial and industrial areas (55 – 75 dB L_{max}). Activities in any area that surpass applicable thresholds would be in violation of the ordinance and thus subject to sanction.

Ordinance No. 847 establishes limited construction hours for development projects to control short-term noise impacts and also indicates that noise associated with any private construction activity located within one-quarter of a mile from an inhabited dwelling is considered exempt between the hours of 6:00 a.m. and 6:00 p.m., during the months of June through September, and 7:00 a.m. and 6:00 p.m., during the months of October through May.

4.13.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

State CEQA Guidelines Appendix G contains the Environmental Checklist Form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (refer to Impact Statement NOI-1);
- Generate excessive groundborne vibration or groundborne noise levels (refer to Impact Statement NOI-2); and/or
- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels (refer to Impact Statement NOI-3).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.



4.13.4 IMPACTS AND MITIGATION MEASURES

AMBIENT NOISE LEVELS

NOI-1 PROJECT IMPLEMENTATION COULD GENERATE A SUBSTANTIAL TEMPORARY OR PERMANENT INCREASE IN AMBIENT NOISE LEVELS.

Impact Analysis

Construction Noise

The project proposes land use and policy changes that would facilitate residential development within the project area. Future development facilitated by the project would result in construction noise generated from development activities. In general, construction would typically involve the following construction sequences: (1) site preparation and/or demolition; (2) grading and utilities construction; (3) building construction; (4) paving; and (5) architectural coatings. Typical construction equipment would include backhoes, excavators, graders, loaders, compactors, cranes, trucks, pavers, pneumatic tools, generator sets, and air compressors. With exception to pile-driving activities, construction equipment with substantially higher noise-generation characteristics (such as rock drills and blasting equipment) would not be anticipated for construction of typical residential and non-residential developments.

As shown in [Table 4.13-8, *Construction Equipment Noise Emission Levels*](#), typical construction equipment generates maximum noise levels at 50 feet from the noise source ranging between 80 dBA for loading trucks, and 81 dBA for graders and excavators. These noise levels would decrease rapidly with distance from the construction site at a rate of approximately 6 dBA per doubling distance. Operating cycles for these types of construction equipment used may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Other primary sources of acoustical disturbance would be random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts).

Table 4.13-8. Construction Equipment Noise Emission Levels

Type of Equipment	Acoustical Use Factor	L _{max} at 50 feet (dBA)
Crane	16	81
Dozer	40	82
Excavator	40	81
Generator	50	81
Grader	40	81
Other Equipment (greater than five horsepower)	50	85
Paver	50	77
Pile Driver (impact)	20	101
Pile Driver (sonic)	20	96



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Roller	20	80
Tractor	40	84
Truck	40	80
Welder	40	73

Source: Federal Highway Administration, *Roadway Construction Noise Model* (FHWA-HEP-05-054), 2006.

Construction activities associated with future development facilitated by the project would occur in incremental phases over time based on market demand, economic, and planning considerations. All construction activities associated with future development would be subject to compliance with Ordinance No. 847. According to Ordinance No. 847, construction activity located within one-quarter of a mile from an inhabited dwelling is considered exempt between the hours of 6:00 a.m. and 6:00 p.m., June through September, and 7:00 a.m. and 6:00 p.m., October through May.

In addition, implementation of General Plan Policies N 12.1 through 12.4 would ensure that noise from construction activities is minimized by utilizing natural barriers, dense landscaping, and other features of the built environment. Thus, compliance with Ordinance No. 847 and General Plan Policies N 12.1 through 12.4 would ensure construction-related noise impacts are less than significant.

For projects that are subject to California Environmental Quality Act (CEQA) review (i.e., non-exempt projects), project applicants shall ensure through contract specifications that construction best management practices (BMPs) will be implemented by all project contractors to reduce construction noise levels. Specifically, future project contractors would be required to adhere to construction noise standards established by the National Institute of Occupational Safety and Health, including the 8-hour Recommended Exposure Limit of 85 dBA.

Operational Noise

Stationary Noise: Future development facilitated by the project would result in additional residential uses and associated stationary noise sources. Noise is likely to occur from stationary operational-related sources, such as heating, ventilation, and air conditioning (HVAC) units, tankless water heaters, generators, lawn maintenance equipment, swimming pool pumps, mechanical equipment, parking lot activity, etc. Future development facilitated by the project would be subject to compliance with the County Noise Ordinance and site plan review by the County.

Some stationary noise sources, such as mechanical HVAC units located on the ground or on rooftops of the future structures, would have the potential to generate high noise levels. However, specific information for mechanical equipment and other stationary noise sources (including their locations, sizes, manufacturers, models, etc.) associated with future development facilitated by the project is not known. Noise emitted from a single point source, such as an HVAC unit, decreases by about 6 dBA for each doubling of distance. Depending on a particular development site, stationary equipment such as generators and HVAC systems with exterior fans or condensers mounted on the ground or roofs could emit noise levels that exceed the County's exterior stationary noise source standards for residential uses of 65 dBA L_{eq} during daytime hours



and 45 dBA L_{eq} for nighttime hours. While the ultimate locations and specific model types of stationary equipment are not known at this time, future development facilitated by the project would be subject to compliance with the County Noise Ordinance and site plan review by the County, as well as review under CEQA. The General Plan contains numerous policies to reduce stationary noise impacts at adjacent land uses.

Stationary noise sources are generally able to be controlled at the source with noise-attenuating features, site design, etc. As such, new development within the project area would have the ability through the entitlement review process to minimize, reduce, or eliminate stationary noise impacts following compliance with General Plan policies and Riverside County Ordinances regulations. Therefore, a less than significant impact would occur in this regard.

Mobile Noise - Project-Related Traffic: An off-site traffic noise impact typically occurs when there is a discernable increase in traffic and the resulting noise level exceeds an established noise standard. In community noise considerations, changes in noise levels greater than 3 dB are often identified as substantial, while changes less than 1 dB will not be discernible to local residents. A 5 dB change is generally recognized as a clearly discernable difference.

As traffic noise levels at sensitive uses likely approach or exceed the County's 60 dBA CNEL clearly compatible standard, the increase threshold obtained from the FTA's allowable noise impact exposures is used for the project, refer to [Table 4.13-4](#). Thus, the project would result in a significant noise impact if a permanent increase in ambient noise levels exceeds the applicable FTA noise impact exposure.

Noise is also likely to occur from line sources, such as motor vehicle traffic. Increased traffic on local roadways would result from project implementation and would be a contributor of noise in the project area. Traffic noise levels for roadways primarily affected by the proposed project were calculated using the Federal Highway Administration's (FHWA) Highway Noise Prediction Model (FHWA-RD-77-108). Traffic noise modeling was conducted for conditions with and without the project, based on traffic volumes obtained from the RivTam model.

Under CEQA, consideration must be given to the magnitude of the increase and the existence of noise-sensitive receptors in order to determine if the noise increase is a significant adverse environmental effect.

Noise level impacts are assessed by evaluating the noise levels "with" and "without" the project for the following scenarios: Future No project and Future Plus project. Predicted traffic noise levels are summarized in [Table 4.13-9, *Predicted Traffic Noise Levels*](#).



Table 4.13-9: Predicted Traffic Noise Levels

Roadway Segment	Future No project		Future Plus project		Increase Thresholds ²	Difference in dBA @ 100 feet from Roadway	Exceed Threshold?
	ADT	dBA L _{dn} ¹	ADT	dBA L _{dn} ¹			
Briggs Road							
South of Scott Rd	37,020	74.6	37,310	74.7	+1	0.0	No
Watson Rd to SR 74	20,640	71.5	20,140	71.4	+1	-0.1	No
SR 74 to Case Rd	35,080	73.7	33,100	73.5	+1	-0.3	No
Grand Ave to Simpson Rd	31,510	73.3	30,560	73.2	+1	-0.1	No
Olive Ave to Domenigoni Pkwy	39,360	72.4	38,390	72.3	+1	-0.1	No
Domenigoni Pkwy to Old Newport Rd	24,240	70.3	-	-	+1	-	-
Holland Rd to Garbani Rd	17,770	70.0	18,160	70.1	+1	0.1	No
Garbani Rd to Wickerd Rd	19,060	70.3	18,960	70.3	+1	0.0	No
Domenigoni Parkway							
SR 79/Winchester Rd to Patterson Rd	53,070	78.1	57,780	78.4	0	0.4	Yes
East of Patterson Ave	66,350	79.0	69,770	79.2	0	0.2	Yes
West of Warren Rd	48,090	77.6	55,280	78.2	0	0.6	Yes
Warren Rd to Fisher St	58,520	78.4	58,160	78.3	0	0.0	No
Ehanac Road							
Sherman Rd to Dawson Rd	77,020	76.8	75,830	76.8	0	-0.1	No
Garbani Road							
I-215 to Menifee Rd	36,680	73.6	35,720	73.5	+1	-0.1	No
Menifee Rd to Lindenberger Rd	25,080	72.5	25,060	72.5	+1	0.0	No
Briggs Rd to El Centro Ln	17,290	70.9	18,330	71.1	+1	0.3	No
Leon Rd to Eucalyptus Rd	15,880	70.5	16,240	70.6	+1	0.1	No
Grand Avenue							
Briggs Rd to Matthews Rd/Case Rd	20,700	69.5	18,290	69.0	+1	-0.5	No
East of Leon Rd	60,460	74.9	54,240	74.4	+1	-0.5	No
Patterson Ave to Ell Callado Rd/Remington Way	40,930	73.1	47,140	73.7	+1	0.6	No



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Table 4.13-9: Predicted Traffic Noise Levels, continued

Roadway Segment	Future No project		Future Plus project		Increase Thresholds ²	Difference in dBA @ 100 feet from Roadway	Exceed Threshold?
	ADT	dBA L _{dn} ¹	ADT	dBA L _{dn} ¹			
Holland Road							
I-215 to Hanover Ln	33,930	73.0	33,510	73.0	+1	-0.1	No
Menifee Rd to Bell Mountain Rd	21,610	71.0	19,900	70.7	+1	-0.4	No
Briggs Rd to Leon Rd	19,890	69.9	18,170	69.5	+1	-0.4	No
Leon Rd to Eucalyptus Rd	21,740	70.2	20,250	69.9	+1	-0.3	No
Leon Road							
Scott Rd to Keller Rd	32,730	73.3	32,760	73.3	+1	0.0	No
Wickerd Rd to Scott Rd	32,710	73.9	33,430	74.0	+1	0.1	No
Holland Rd to Craig Ave	22,570	72.2	22,160	72.1	+1	-0.1	No
Domenigoni Pkwy to Holland Rd	33,590	72.0	32,800	71.9	+1	-0.1	No
Olive Ave to Domenigoni Pkwy	34,700	72.8	33,810	72.7	+1	-0.1	No
Simpson Rd to Olive Ave	21,880	70.7	22,840	70.9	+1	0.2	No
Grand Ave to Simpson Rd	37,670	73.1	-	-	+1	-	-
McCall Boulevard							
Encanto Dr to Sherman Rd	66,430	75.6	64,980	75.5	0	-0.1	No
Menifee Rd to Heritage Lake Dr	-	-	-	-	-	-	-
Menifee Road							
Garbani Rd to Wickerd Rd	40,880	73.9	41,210	74.0	+1	0.0	No
Holland Rd to Garbani Rd	38,010	73.0	37,690	73.0	+1	0.0	No
Newport Rd to Holland Rd	56,610	74.7	56,620	74.7	+1	0.0	No
Simpson Rd to Newport Rd	40,910	73.3	41,130	73.3	+1	0.0	No
McCall Blvd to Simpson Rd	50,600	75.4	48,810	75.3	0	-0.2	No
Case Rd/Matthews Rd to McCall Blvd	66,960	76.6	64,440	76.4	0	-0.2	No
Watson Rd to SR 74	59,340	76.0	57,480	75.8	+1	-0.1	No
Scott Rd to Keller Rd	46,700	73.7	46,480	73.7	+1	0.0	No
Northbound I-215							
McCall Blvd to Newport Rd	111,740	80.0	110,930	80.0	0	0.0	No



4.13 Noise and Vibration

Table 4.13-9: Predicted Traffic Noise Levels, continued

Roadway Segment	Future No project		Future Plus project		Increase Thresholds ²	Difference in dBA @ 100 feet from Roadway	Exceed Threshold?
	ADT	dBA L _{dn} ¹	ADT	dBA L _{dn} ¹			
Ethanac Rd to McCall Blvd	110,810	80.0	109,750	79.9	0	0.0	No
Newport Rd to Garbani Rd	85,680	78.8	85,760	78.8	0	0.0	No
Garbani Rd to Scott Rd	124,470	80.4	124,850	80.4	0	0.0	No
Scott Rd to Clinton Keith Rd	126,050	80.4	127,100	80.4	0	0.0	No
Ethanac Rd to SR 74	119,920	80.1	118,830	80.1	0	0.0	No
Southbound I-215							
McCall Blvd to Newport Rd	80,650	78.1	79,930	78.0	0	0.0	No
Ethanac Rd to McCall Blvd	94,320	78.7	93,170	78.7	0	-0.1	No
Newport Rd to Garbani Rd	68,950	77.3	69,340	77.3	0	0.0	No
Garbani Rd to Scott Rd	101,470	78.9	101,920	79.0	0	0.0	No
Scott Rd to Clinton Keith Rd	68,710	77.2	69,020	77.2	0	0.0	No
Ethanac Rd to SR 74	99,620	78.8	97,780	78.7	0	-0.1	No
Newport Road							
Antelope Rd to Westlink Dr/Via Corazon	83,960	76.1	82,900	76.1	0	-0.1	No
Laguna Vista Dr to Lindenberger Rd	76,990	75.7	76,460	75.7	0	0.0	No
Lindenberger Rd to Briggs Rd	79,890	77.1	78,950	77.0	0	-0.1	No
Briggs Rd to Leon Rd	67,090	76.3	67,130	76.3	0	0.0	No
Leon Rd to Rice Rd	64,940	76.1	-	-	0	-	-
Rice Rd to SR 79/Winchester Rd	72,150	76.6	76,750	76.8	0	0.3	Yes
Olive Avenue							
Lindenberger Rd to Leon Rd	12,290	67.5	10,040	66.6	+1	-0.9	No
Leon Rd to Dawn Ln	24,400	70.4	22,640	70.1	+1	-0.3	No
Dawn Ln to Olive Ave/Rice Rd	22,370	70.0	24,010	70.3	+1	0.3	No
West of SR 79/Winchester Rd	10,830	66.8	14,770	68.2	+1	1.3	Yes
Poplar Street							
Warren Rd to Fisher St	4,900	63.3	5,270	63.7	+2	0.3	No
Scott Road							



4.13 Noise and Vibration

Table 4.13-9: Predicted Traffic Noise Levels, continued

Roadway Segment	Future No project		Future Plus project		Increase Thresholds ²	Difference in dBA @ 100 feet from Roadway	Exceed Threshold?
	ADT	dBA L _{dn} ¹	ADT	dBA L _{dn} ¹			
I-215/Antelope Rd to Haleblan Rd/Bellamy Ln	43,610	73.9	43,990	74.0	+1	0.0	No
Menifee Rd to Lindenberger Rd	55,940	75.0	55,550	75.0	0	0.0	No
Briggs Rd to El Centro Ln	43,170	71.9	43,910	72.0	+1	0.1	No
Merritt Rd to Leon Rd	34,270	71.5	34,420	71.5	+1	0.0	No
Leon Rd to Louise Rd	25,920	70.3	25,180	70.2	+1	-0.1	No
Ashford Ln to SR 79/Winchester Rd	32,760	72.5	32,840	72.5	+1	0.0	No
East of SR 79/Winchester Rd	46,810	72.1	47,100	72.1	+1	0.0	No
Simpson Road							
Menifee Rd to Lindenberger Rd	12,580	67.7	11,050	67.2	+1	-0.6	No
Briggs Rd to La Ventana Rd	12,480	67.6	12,000	67.5	+1	-0.2	No
Adams St to Rice Rd	33,540	71.9	34,930	72.1	+1	0.2	No
East of Patterson Ave	27,290	71.0	31,950	71.7	+1	0.7	No
West of California Ave	24,930	70.6	29,590	71.3	+1	0.7	No
SR-74							
Menifee Rd to Malaga Rd	77,730	75.5	77,510	75.5	0	0.0	No
Leon Rd to Juniper Flats Rd	77,320	75.5	78,080	75.5	0	0.0	No
Joppe Ave to Cortrite Ave	83,670	75.8	84,790	75.9	0	0.1	No
East of California Ave	81,340	75.6	79,670	75.6	0	-0.1	No
West of Warren Rd	79,040	75.5	80,230	75.5	0	0.1	No
SR-79							
North of SR 74	23,430	70.2	23,080	70.1	+1	-0.1	No
Max Gilliss Blvd/Thompson Rd to Skyview Rd	84,270	76.3	83,500	76.3	0	0.0	No
Pourroy Rd/Abelia St to Keller Rd	103,160	77.2	102,970	77.2	0	0.0	No
Scott Rd/Washington St to Keller Rd	94,660	76.8	95,100	76.8	0	0.0	No
Scott Rd/Washington St to Holland Rd	110,570	78.6	111,450	78.6	0	0.0	No



4.13 Noise and Vibration

Table 4.13-9: Predicted Traffic Noise Levels, continued

Roadway Segment	Future No project		Future Plus project		Increase Thresholds ²	Difference in dBA @ 100 feet from Roadway	Exceed Threshold?
	ADT	dBA L _{dn} ¹	ADT	dBA L _{dn} ¹			
Newport Rd to Holland Rd	140,060	79.6	143,820	79.7	0	0.1	No
SR 74 to Stetson Ave	31,870	70.7	32,730	70.8	+1	0.1	No
Grand Ave to Simpson Rd	48,510	71.8	59,740	72.7	+1	0.9	No
Simpson Rd to Olive Ave	36,700	70.6	44,200	71.4	+1	0.8	No
Domenigoni Pkwy to Newport Rd	8,350	67.2	12,290	68.9	+1	1.7	Yes
Newport Rd to Domenigoni Pkwy	131,740	79.2	132,850	79.2	0	0.0	No
Domenigoni Pkwy to Stowe Rd	152,440	77.4	153,970	77.4	0	0.0	No
Stowe Rd to SR 74	178,930	78.1	182,800	78.1	0	0.1	No
SR 74 to W Esplanade Ave	176,100	78.0	176,110	78.0	0	0.0	No
Stetson Avenue							
East of California Ave	18,850	68.2	20,120	68.5	+1	0.3	No
Walden Weaver Rd to S Cawston Ave	-	-	-	-	-	-	-
Acacia Avenue							
Cawston Ave N to S Sanderson Ave	10,610	65.0	11,080	65.2	+1	0.2	No
Warren Road							
Simpson Rd to Domenigoni Pkwy	18,120	67.3	19,620	67.7	+1	0.3	No
Stetson Ave to Simpson Rd	5,370	62.7	6,520	63.5	+2	0.8	No
North of Stetson Ave	5,600	64.1	6,590	64.8	+2	0.7	No
South of SR 74	7,750	65.5	7,300	65.2	+1	-0.3	No
ADT = average daily trips; dBA = A-weighted decibels; L _{dn} = day-night noise level 1. Traffic noise levels are at 100 feet from the roadway centerline. 2. Increase Threshold obtained from the FTA's allowable noise impact exposures detailed above in Table 4.13-4 . Source: Based on traffic data obtained from the RivTam Model, 2020. Refer to Appendix A for traffic noise modeling assumptions and results.							



Table 4.13-9: Predicted Traffic Noise Levels, continued

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As shown in [Table 4.13-9](#), Future No Project noise levels would range from approximately from 62.7 dBA L_{dn} to 80.4 dBA L_{dn} , with the highest noise levels occurring on northbound I-215 between Garbani Road and Scott Road, and between Scott Road and Clinton Keith Road. Future Plus project noise levels would range from approximately 63.5 dBA L_{dn} to 80.4 dBA L_{dn} with the highest noise levels also occurring along the same roadway segments. Traffic noise levels would result in a maximum increase of 1.7 dBA L_{dn} along SR-79 between Domenigoni Parkway and Newport Road. The project would result in incremental traffic noise impacts along the following roadway segments:

- Domenigoni Parkway
 - SR 79/Winchester Road to Patterson Road
 - East of Patterson Avenue
 - West of Warren Road
 - Warren Road to Fisher Street
- Olive Avenue
 - West of SR 79/Winchester Road
- SR-79
 - Domenigoni Pkwy to Newport Road

As indicated in [Table 4.13-8](#), future uses developed in the project area could also be exposed to noise levels above the County's "Normally Acceptable" land use compatibility standard and/or County Noise Ordinance standards and may require future evaluation to identify site-specific noise impacts and noise abatement to reduce impacts. The General Plan Noise and Circulation Elements, along with the HVWAP, contain several policies to minimize noise impacts at sensitive uses and ensure compliance with the County's land use compatibility and Noise Ordinance standards, such as HVWAP 8. Compliance with these General Plan policies would help minimize and reduce traffic noise impacts at sensitive uses. However, given the extensive and widespread nature of traffic noise impacts, it is generally infeasible to mitigate traffic noise impacts at existing sensitive uses, as these are private properties outside the County's purview. It is noted that individual development projects would be reviewed for project-specific impacts during any required environmental review. If project-specific significant impacts are identified, specific mitigation measures will be required. Nonetheless, the project's traffic-related noise impacts would be significant and unavoidable despite compliance with all relevant General Plan policies and Mitigation Measure NOI-1.

Mitigation Measures:

NOI-1 For projects that are subject to California Environmental Quality Act (CEQA) review (i.e., non-exempt projects), project applicants shall ensure through contract specifications that construction best management practices (BMPs) will



be implemented by all project contractors to reduce construction noise levels. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the City Development Services Department prior to issuance of a grading or building permit (whichever is issued first). BMPs to reduce construction noise levels may include, but are not limited to, the following:

- Ensure that construction equipment is properly muffled according to industry standards and is in good working condition.
- Place noise-generating construction equipment and construction staging areas away from sensitive uses.
- Implement noise attenuation measures, as needed, which may include, but are not limited to, temporary noise barriers or noise blankets around stationary construction noise sources.
- Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
- Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes.
- Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding owners and residents to contact the job superintendent.

Level of Significance: Significant and Unavoidable Impact.

VIBRATION IMPACTS

NOI-2 PROJECT IMPLEMENTATION COULD RESULT IN SIGNIFICANT VIBRATION IMPACTS TO NEARBY SENSITIVE RECEPTORS AND STRUCTURES.

Impact Analysis

Construction Vibration

Increases in groundborne vibration levels attributable to future development facilitated by the project would be primarily associated with construction-related activities. Construction activities within the project area would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved. Ground vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. The effect on buildings located in the construction site's vicinity often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.



The FTA has published standard vibration velocities for construction equipment operations. In general, depending on the building category of the nearest buildings adjacent to the construction area, the potential construction vibration damage criteria vary. For example, for a building constructed with reinforced concrete with no plaster, the FTA guidelines show that a vibration level of up to 0.50 inch per second (in/sec) peak particle velocity (PPV) is considered safe and would not result in any construction vibration damage. In general, the FTA architectural damage criterion for continuous vibrations (i.e. 0.2 in/sec) appears to be conservative. The types of construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 25 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. Construction activities associated with future development from the project have the potential to generate low levels of groundborne vibration. Table 4.13-10, *Typical Vibration Levels for Construction Equipment*, identifies various vibration velocity levels for various construction equipment types.

Table 4.13-10. Typical Vibration Levels for Construction Equipment

Type Of Equipment	Approximate Peak Particle Velocity At 25 Feet	Approximate Peak Particle Velocity At 50 Feet	Approximate Peak Particle Velocity At 85 Feet
Large bulldozer	0.089	0.031	0.014
Loaded trucks	0.076	0.027	0.012
Small bulldozer	0.003	0.001	0.001
Auger/drill rigs	0.089	0.031	0.014
Jackhammer	0.035	0.012	0.006
Pile driver	0.644	0.228	0.010

Notes: Calculated using the following formula:
 $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$
 Where: PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance
 PPV (ref) = the reference vibration level in in/sec from FTA Transit Noise and Vibration Impact Assessment Manual, Table 7-4.
 D = the distance from the equipment to the receiver

Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, 2018.

Similar to noise, groundborne vibration would attenuate with distance. The groundborne vibration generated during construction activities would primarily impact vibration-sensitive land uses (i.e., nonengineered timber and masonry buildings) located adjacent to or near the construction activity. The force of vibrations reaching an adjacent structure would depend upon several variables, including the activity generating the vibrations, the distance between the source and the existing structure, and the type of soil or pavement found between the two. Based upon the vibration velocity levels provided in Table 4.13-10, vibration velocities from typical heavy construction equipment operations that could be used during construction activities range from 0.003 to 0.089 inch/second PPV at 25 feet from the activity source (and up to 0.644 inch/second PPV if pile driving activities were to occur). Thus, vibration velocities from typical heavy



construction equipment operations at 25 feet from the activity source would not exceed the 0.2 the inch/second PPV threshold or the 0.12 inch/second PPV threshold for historic/sensitive buildings, except for pile driving activities. Vibration velocities from pile driving activities at 50 feet from the activity source would exceed the 0.2 the inch/second PPV and 0.12 inch/second PPV thresholds. Therefore, construction-related activities that involve pile driving and occur 50 feet from a vibration-sensitive land use (non-engineered timber and masonry buildings) could exceed the 0.2 inch/second PPV threshold, and expose persons or structures to, or generate excessive groundborne vibration or groundborne noise levels. [Table 4.13-10](#) shows that vibration levels from pile driving would be below the 0.12 inch/second PPV threshold for historic/sensitive buildings at 85 feet.

To lessen the future development's potential vibration-related impacts at adjacent sensitive uses, NOI-2 would be required. With implementation of NOI-2, groundborne vibration impacts from future development's construction would be less than significant.

Operational Vibration

The residential development that would be facilitated by the project is not anticipated to generate excessive groundborne vibration or groundborne noise. Future developments' operational vibration impacts would be less than significant following compliance with General Plan Policies N 16.1 and N 16.3 and Mitigation Measures NOI-2 and NOI-3.

Mitigation Measures:

- NOI-2 Projects that are subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) with construction activities within 25 feet of an occupied sensitive use (i.e., historical buildings, residential, senior care facilities, hospitals, and schools/day care centers) shall be required to prepare a project-specific vibration impact analysis to evaluate potential construction vibration impacts associated with the project, and to determine any specific vibration control mechanisms that shall be incorporated into the project's construction bid documents to reduce such impacts. Contract specifications shall be included in construction documents, which shall be reviewed and approved by the County prior to issuance of a grading permit.
- NOI-3 Projects that are subject to California Environmental Quality Act (CEQA) review (meaning, non-exempt projects) within 100 feet of a historic structure(s) shall implement the following measures to reduce the potential for architectural/structural damage resulting from elevated groundborne noise and vibration levels:
- Pile driving within 50 feet of any historic structure(s) shall utilize alternative installation methods, such as pile cushioning, jetting, predrilling, cast-in-place systems, and resonance-free vibratory pile drivers.
 - As accessible, a preconstruction survey of all eligible for listing or listed historic buildings under the National Register of Historic Places, California Register of Historic Resources, and/or local historic database(s) within 50



feet of proposed construction activities shall be conducted. Fixtures and finishes within 50 feet of construction activities susceptible to damage shall be documented photographically and in writing. The preconstruction survey shall determine conditions that exist before construction begins for use in evaluating any damage caused by construction activities. Construction vibration monitoring shall be conducted at the edges of these historic properties and construction activities shall be reduced, as needed, to ensure no damage occurs.

- Vibration monitoring shall be conducted prior to and during pile driving operations occurring within 100 feet of the historic structure(s). Contractors shall limit construction vibration levels during pile driving and impact activities in the vicinity of the historic structure(s) in accordance with the California Department of Transportation (Caltrans) Transportation and Construction Vibration Guidance Manual, dated September 2013.

Level of Significance: Less Than Significant With Mitigation Incorporated.

AIRSTRIP OR AIRPORT

NOI-3 THE PROPOSED PROJECT MAY EXPOSE PEOPLE TO EXCESSIVE NOISE LEVELS DUE TO A PRIVATE AIRSTRIP OR AIRPORT.

Impact Analysis

The Riverside County Airport ALUCP includes land use compatibility criteria for airports located within the County including French Valley Airport, March Air Reserve Base, and Hemet-Ryan Airport. The Riverside County Airport Land Use Commission is tasked with reviewing development plans surrounding the airports for consistency with the ALUCP. The French Valley Airport is within the Highway 79 PA, where the project proposes to lift the residential density restriction, resulting in additional dwelling units on lands already anticipated for development. March Air Reserve Base and Hemet-Ryan are not located within the project area, but their respective Airport Influence Areas do encroach into the project area. The project proposes to redesignate some non-residential land uses to residential and mixed-use; and some low-density residential land uses to higher density residential uses within the Airport Influence Areas of the March Air Reserve Base and the Hemet-Ryan Airport. Together, these land use designation changes would result in less non-residential land uses but more DU within the Airport Influence Areas, thus, project implementation would expose more people in the project area to excessive airport-related noise levels. As discussed above, future residential development within the project area would occur within the Airport Influence Areas of all three airports; French Valley Airport, March Air Reserve Base and Hemet-Ryan Airport; see [Exhibit 4.9-1](#). Therefore, future residential development within project area and within an Airport Influence Area would require review by the ALUC during the development review process. Future development within the project area and Airport Influence Areas would be required to comply with the applicable ALUCP policies and development standards, as well as other State and County regulations and policies regarding site design and building construction to achieve acceptable interior and exterior noise exposure levels for habitable structures. Review by the ALUC would ensure that future development would



be compatible with the ALUCP concerning potential noise exposure. Additionally, compliance with the established Federal, State, and County regulations and Mitigation Measure NOI-1, would ensure that airport-related noise impacts on future development facilitated by the project would be less than significant.

Mitigation Measures: Refer to Mitigation Measure NOI-1.

Level of Significance: Less Than Significant With Mitigation Incorporated.

4.13.5 SIGNIFICANT UNAVOIDABLE IMPACTS

With project implementation, significant and unavoidable impacts would occur despite implementation of Mitigation Measure NOI-1, the project's traffic noise levels cannot be reduced at existing off-site uses resulting in a significant unavoidable impact.



4.14 POPULATION AND HOUSING

This section identifies the existing population, housing, and employment statistics in the County of Riverside and analyzes the potential impacts that may result from project implementation. Potential impacts are identified and mitigation measures to address potentially significant impacts are recommended, as necessary.

4.14.1 EXISTING SETTING

POPULATION

Riverside County

Table 4.14-1, *Population Estimates and Projections*, presents the County’s past, current, and forecast population. The California Department of Finance (DOF) reports the County’s population totaled 2,189,641 persons in 2010 and 2,454,453 persons in 2021, representing a population increase of approximately 12 percent for this time period; see Table 4.14-1. The County’s population is forecast to grow to approximately 3,252,000 persons by 2045, or an additional 797,547 persons (approximately 33 percent) from existing 2021 conditions.

Unincorporated Riverside County

The DOF reports the unincorporated County’s population totaled 504,392 persons in 2010 and 389,905 persons in 2021, representing a reduction of approximately 23 percent for this time period; see Table 4.14-1. The unincorporated County’s population is forecast to grow to approximately 525,600 persons by 2045, or an additional 135,695 persons (approximately 35 percent) from existing 2021 conditions.

Table 4.14-1: Population Estimates and Projections

Year/Description	Riverside County	Unincorporated Riverside County
2010 ¹	2,189,641	504,392
2021 ¹	2,454,453	389,905
2010 - 2020 Change	+264,812	-114,487
2010 - 2020 % Change	+12%	-23%
2045 SCAG Forecast ²	3,252,000	525,600
2021 – 2045 Change	+797,547	+135,695
2021– 2045 % Change	+33%	+35%

Notes:
1. California Department of Finance, Table E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2021 with 2010 Census Benchmark, <https://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>, accessed November 2021.
2. Southern California Association of Governments, Current Context Demographics and Growth Forecast, September 3, 2020.



Project Area

As noted in Table 3-2, *Winchester Policy Area Development Potential* and Table 4.14-5, *Project Compared to Existing General Plan* the project area's population based on existing land use designations is approximately 168,551 persons.

HOUSING

Riverside County

Table 4.14-2, *Household and Housing Estimates and Projections*, presents data concerning the County's past, current, and forecast housing stock. For the County, the number of households increased 10 percent between 2010 and 2021. The number of households is projected to increase 45 percent between 2021 and 2045. The number of dwelling units increased 8 percent between 2010 and 2021. For clarification purposes, a household is considered to be all those persons (related or unrelated), who occupy a single housing unit while a dwelling unit is considered to be a room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), that constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long-term basis.

Unincorporated Riverside County

For the unincorporated County, households decreased 19 percent between 2010 and 2021, and the number of households is projected to increase 50 percent between 2021 and 2045. The number of dwelling units decreased 16 percent between 2010 and 2021.

Table 4.14-2: Household and Housing Estimates and Projections

Year/Description	Riverside County		Unincorporated Riverside County	
	Households	Dwelling Units	Households	Dwelling Units
2010 ¹	686,260	800,707	149,652	173,143
2021 ¹	751,584	864,076	120,819	145,125
<i>2010 - 2021 Change</i>	65,324	63,369	-28,833	-28,018
<i>2010 - 2021 % Change</i>	10%	8%	-19%	-16%
2045 SCAG Forecasts ²	1,086,000	—	180,900	—
<i>2021 – 2045 Change</i>	334,416	—	60,081	—
<i>2021 – 2045 % Change</i>	45%	—	50%	—

Notes:
 1. California Department of Finance, Table E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2021 with 2010 Census Benchmark, <https://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>, accessed November 2021.
 2. Southern California Association of Governments, Current Context Demographics and Growth Forecast, September 3, 2020. SCAG provides population, households, and employment forecasts, however, no units forecasts.

Project Area

As noted in Table 3-2, the project area's housing stock based on existing land use designations is approximately 59,141 dwelling units.



EMPLOYMENT

Jobs/Housing Balance

The jobs/housing ratio is used as a general measure of balance between a community's employment opportunities and the housing needs of its residents. A ratio of 1.0 or greater generally indicates that a community/jurisdiction provides adequate employment opportunities, potentially allowing its residents to work within the area. To achieve a jobs/housing balance, controls are required concerning the location, intensity, and nature of jobs and housing. Evaluation of existing and future jobs/housing balance considers employment potential (existing and projected), housing demand, new housing production, and available transportation systems (particularly alternative transportation).

Riverside County

As of April 2021, the County's civilian labor force is an estimated 1,099,100 persons, of which approximately 7.6 percent are unemployed; see [Table 4.11-3, Labor Force and Employment Estimates](#).

Table 4.14-3: Labor Force and Employment Estimates

Year/Description	Riverside County			Winchester Census Designated Place		
	Labor Force	Unemployed Number	Unemployed Rate	Labor Force	Unemployed Number	Unemployed Rate
2021 Existing Conditions ¹	1,099,100	83,200	7.6	1,200	100	11.2
Notes:						
1. State of California, Employment Development Department Labor Market Information Division, Monthly Labor Force Data for Cities and Census Designated Places (CDP) April 2021 – Preliminary May 21, 2021. https://www.labormarketinfo.edd.ca.gov/data/labor-force-and-unemployment-for-cities-and-census-areas.html , accessed June 2021.						

Assuming 1,099,100 jobs (2021) and 864,076 DUs (2021), the County's current jobs/housing ratio is approximately 1.2, indicating the County has sufficient employment opportunities for its residents to potentially work within the County. The 2019 American Community Survey 1-Year Estimates reports the average travel time to work in Riverside County is 35.7 minutes.¹ This commute time along with the County's jobs/housing ratio (1.2) indicates the County is largely comprised of bedroom communities, whose residents work at regional employment centers inside and potentially outside of the County.

Winchester Census Designated Place

As of April 2021, Winchester's civilian labor force is an estimated 1,200 persons, of which approximately 11.2 percent are unemployed; see [Table 4.11-3, Labor Force and Employment Estimates](#).

¹ U.S. Census Bureau, 2019: ACS 1-Year Estimates Subject Tables – Commuting Characteristics by Sex, Table ID S0801, <https://data.census.gov/cedsci/table?q=riverside%20county%20commute%20data&tid=ACST1Y2019.S0801>, accessed June 2021.



Project Area

As noted in [Table 3-2](#), and [Table 4.14-5](#), the project area's employment (jobs) based on existing land use designations is approximately 60,213 jobs.

4.14.2 REGULATORY SETTING

FEDERAL LEVEL

No federal laws, ordinances, or regulations pertaining to population and housing apply to the project.

STATE LEVEL

Southern California Association of Governments

The Southern California Association of Governments (SCAG) is the responsible agency for developing and adopting regional housing, population, and employment growth forecasts for local governments from Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties.

SCAG's demographic data is developed to enable the proper planning of infrastructure and facilities to adequately meet the needs of anticipated growth. On September 3, 2020, SCAG created and adopted the Connect SoCal, otherwise known as the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals.

California Housing Element Law

The Housing Element is one of the seven General Plan Elements that are mandated by the State of California (California Government Code [CGC] §§ 65580 to 65589.8). California State law requires that the Housing Element consists of, "an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing" (CGC § 65580).

State law requires that each city and county identify and analyze existing and projected housing needs within its jurisdiction and prepare goals, policies, and programs to further the development, improvement, and preservation of housing for all economic segments of the community, commensurate with local housing needs.

Regional Housing Needs Assessment (RHNA)

Regional Housing Needs Assessment (RHNA) is a State-mandated process, which determines the amount of future housing growth each city and county must plan for. This "fair share" allocation concept seeks to ensure that each jurisdiction accepts responsibility for the housing needs of its resident population, as well as the jurisdiction's projected share of regional housing growth across all income categories. Regional growth needs are defined as the number of units



that would have to be added in each jurisdiction to accommodate the forecasted number of households, as well as the number of units that need to be added to compensate for anticipated demolitions and changes to achieve an ideal vacancy rate. The RHNA assessment process is performed periodically as part of the Housing Element and General Plan updates at the local level and begins with the California Department of Housing and Community Development's (HCD) projection of future statewide housing growth need, and the apportionment of this need of regional councils of governments (COGs) throughout the State. As the region's designated COG, SCAG is the agency responsible for developing an allocation methodology to allocate the region's assigned share of statewide need to cities and counties by income level.

The housing construction need is determined for four broad household income categories: very low (households making less than 50 percent of area median income [AMI]), low (50 to 80 percent of AMI), moderate (80 to 120 percent of AMI), and above moderate (more than 120 percent of AMI). The intent of the future needs allocation by income groups is to relieve the undue concentrations of very low-income and low-income households in a single jurisdiction and to help allocate resources in a fair and equitable manner.

The 6th RHNA Cycle covers the planning period from October 2021 to October 2029. The County's RHNA allocation for the 6th Cycle is shown in [Table 4.14-4](#). The County is required to ensure that sufficient sites that are planned and zoned for housing available to accommodate its need and to implement proactive programs that facilitate and encourage the production of housing commensurate with its housing needs.

Table 4.14-4: Riverside County RHNA Allocation

Income Level	Percent of AMI	Target (Units)	Percent
Extremely Low/Very Low	30%-50%	10,371	26%
Low	51-80%	6,627	16%
Moderate	81-120%	7,347	18%
Above Moderate	120%+	16,302	40%
Total		40,647	100%
AMI = Area Median Income			
Source: Southern California Association of Governments, SCAG 6 th Cycle Final RHNA Allocation Plan, July 11, 2021.			

LOCAL LEVEL

County of Riverside General Plan

Land Use Element

The following policies contained in the County of Riverside General Plan Land Use Element are applicable to the project in regard to Population and Housing:

LU 1.12: Pursuant to state law, each land use designation that provides for residential development (other than caretakers' dwellings) is assigned a population density standard for the purposes of projection and infrastructure planning. These population density standards are relevant only for general planning purposes and



shall not be interpreted as constituting legal limitations on the number of persons who may reside at any particular location or parcel.

LU 3.1: Accommodate land use development in accordance with the patterns and distribution of use and density depicted on the General Plan Land Use Maps (Figure LU-1) and the Area Plan Land Use Maps in accordance with the following concepts:

- a) Accommodate communities that provide a balanced mix of land uses, including employment, recreation, shopping, public facilities and housing.
- b) Assist in and promote the development of infill and underutilized parcels which are located in Community Development areas, as identified on the General Plan Land Use Map.
- c) Promote parcel consolidation or coordinated planning of adjacent parcels through incentive programs and planning assistance.
- d) Create street and trail networks that directly connect local destinations, and that are friendly to pedestrians, equestrians, bicyclists, and others using non-motorized forms of transportation.
- e) Re-plan existing urban cores and specific plans for higher density, compact development as appropriate to achieve the RCIP Vision.
- f) In new towns, accommodate compact, transit-adaptive infrastructure (based on modified standards that take into account transit system facilities or street network).
- g) Provide the opportunity to link communities through access to multi-modal transportation systems.

LU 5.1: Ensure that development does not exceed the ability to adequately provide supporting infrastructure and services, such as libraries, recreational facilities, educational and day care centers transportation systems, and fire/police/medical services.

LU 5.2: Monitor the capacities of infrastructure and services in coordination with service providers, utilities, and outside agencies and jurisdictions to ensure that growth does not exceed acceptable levels of service.

Housing Element

The following policies contained in the County of Riverside General Plan Housing Element are applicable to the project in regard to Population and Housing:

H 1.1: Maintain an adequate supply of appropriately zoned land to accommodate housing needs of existing and future residents.



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- H 1.2: Encourage innovative housing development that promotes and facilitates development of new affordable housing.
- H 1.3: Continue efforts to streamline and improve the development review process to eliminate any unnecessary delays in the development of housing.
- H 1.4: Strive to remove barriers to new housing production, including advancing adaptive policies, regulations, and procedures.
- H 1.5: Encourage the development of higher-density, multifamily housing in locations where adequate infrastructure and public services are planned or are available.

Circulation Element

The following policies contained in the County General Plan Circulation Element are applicable to the project in regard to Population and Housing:

- C 1.1: Design the transportation system to respond to concentrations of population and employment activities, as designated by the Land Use Element and in accordance with the Circulation Plan, Figure C-1.
- C 1.5: Evaluate the planned circulation system as needed to enhance the arterial highway network to respond to anticipated growth and mobility needs.

Riverside County Ordinances

The following Riverside County Ordinance is relevant to the project:

Ordinance No. 659, *Establishing Development Impact Fees*: This ordinance establishes and sets forth policies, regulations, and fees relating to the funding and installation of the Facilities and the acquisition of open space and habitat necessary to address the direct and cumulative environmental effects generated by new development projects described and defined in this ordinance. The ordinance also establishes authorized uses of the fees collected.

4.14.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the State CEQA Guidelines contains the Environmental Checklist form used during preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) (refer to Impact Statement PHE-1);
- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere (refer to Impact Statement PHE-2).

Based on these standards and significance thresholds and criteria, The General Plan's effects have been categorized as either "no impact," a "less than significant impact," or a "potentially