



Mitigation Measures

No mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than significant, and no additional mitigation measures are required.

7.15 SECTION 5: CUMULATIVE IMPACTS

Impact AES-1: Contribute to Cumulative Impact on a Scenic View or Vista

As discussed in Draft EIR Section 4.1, *Aesthetics*, new development associated with buildout of the Winchester Community Plan is not anticipated to adversely impact scenic views and vistas. Future development activities would be subject the Winchester Community Plan Design Guidelines as well as several new and revised policies proposed for the HWWAP that would preserve and enhance scenic vistas and viewpoints. As such, it is not anticipated that views would be substantially obstructed with the implementation of the project. Although future development could increase view blockage of scenic resources, each project would be reviewed and evaluated to ensure that there is not substantial view blockage to these scenic resources as part of the County's development review process. Thus, the proposed project would not result in a cumulatively considerable impact in this regard.

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact AES-2: Contribute to Cumulative Scenic Resources

There are no State-designated scenic highways within the project area.¹¹ Thus, the proposed project would not result in a cumulatively considerable impact in this regard. (Draft EIR page 5-5)

Mitigation Measures

No additional mitigation is required.

¹¹ 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.



Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact AES-4: Cumulative Light and Glare Impacts

Short-Term Impacts

Cumulative construction projects could occur at the same time as the proposed project, which may result in short-term construction lighting impacts in the area. However, proposed project construction activities are anticipated to occur primarily during the daytime hours. All construction activities associated with future development would be subject to compliance with 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*. A less than significant cumulatively considerable impact would occur in this regard.

Long-Term Impacts

Cumulative development in the project area could result in an increase in lighting compared to existing conditions. However, the cumulative development projects in the surrounding area would be required to comply with the County's lighting ordinances (Ordinance No. 655 and Ordinance No. 915). The project would retain existing policies within the HVWAP 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 (HVWAP 9.1). The County of Riverside would continue to evaluate future development proposals for compatibility with Ordinance No. 655, Ordinance No. 915, and HVWAP 9.1 to achieve high quality development and compatibility with adjacent land uses and the overall character of the community. Therefore, the project would not cumulatively contribute to significant impacts from the creation of new lighting in the general area. A less than significant impact would occur in this regard. (Draft EIR page 5-6)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact AG-5: Contribute to Cumulative Impact In The Conversion Of Farmland, To Non-Agricultural Use Or Conversion Of Forest Land To Non-Forest Use

As discussed in Draft EIR Section 4.2, 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 lands would be specifically converted to other uses. Thus, the proposed project would not result in a cumulatively considerable impact in this regard.

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impacts EN-1 and EN-2: Consumption of Energy Impacts

The geographic context for cumulative energy consumption impacts for electricity and natural gas is Countywide and relative to Southern California Edison (SCE) and SoCal Gas' service areas. While the geographic context for the transportation-related energy use is more difficult to define, it is meaningful to consider the project in the context of County-wide consumption. Future growth within the County is anticipated to increase the demand for electricity, natural gas, and transportation energy, as well as the need for energy infrastructure. As concluded in Draft EIR Section 4.6, *Energy*, 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. Furthermore, the project and other cumulative projects in the site vicinity would be subject to all applicable County of Riverside General Plan policies (e.g., Policies AQ 4.2, AQ 4.4, and AQ 20.10 through AQ 20.21) and Board of Supervisors policies (e.g., H-29 and H-4) for energy conservation. 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. Thus, the project and related projects would comply with energy conservation plans and efficiency standards required to ensure that energy is used efficiently. (Draft EIR page 5-17)

Mitigation Measures

No additional mitigation is required beyond compliance with the California Energy Code. In addition, new development proposed under the Winchester Community Plan would be required to comply with the County's reach codes to increase the extent of building electrification, the amount of renewable energy obtained from solar power, and the installation of electric vehicle chargers.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact GEO-1 through GEO-6: Impacts on Geology and Soils

For the purposes of geology and soils, cumulative impacts are considered for cumulative projects outlined above. The cumulative projects' regional geologic setting and regional seismicity would be similar; however, the local geologic setting, surficial geology, and subsurface soil conditions would vary according to site. Paleontological sensitivity would also vary by site.



The seismic-related hazards and geologic conditions identified in Draft EIR Section 4.7, *Geology and Soils*, would be specific to the project area and its users and would not be common or contribute to the impacts (or shared with, in an additive sense) on other sites. Individual projects would be designed and built in accordance with applicable standards included in the 2019 CBC and relevant County Ordinances and policies in place to minimize geologic and soils related hazards. As concluded in Draft EIR Section 4.7, the proposed project would not result in significant geology and soils impacts following compliance with the existing regulatory framework. Therefore, the project's incremental effects would not be cumulatively considerable. (Draft EIR page 5-18)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact HAZ-3: Hazardous Emissions

Cumulative development projects would have the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or wastes within 0.25-mile of an existing or proposed school. All cumulative development activities requiring the routing use, storage, transport, or disposal of hazardous materials would be subject to applicable local, State, and Federal regulatory requirements in place for hazardous materials. Following conformance with existing regulatory requirements in place for hazardous materials, related development would not result in cumulatively considerable impacts involving the emission or handling of hazardous materials, substances, or wastes within 0.25-mile of an existing or proposed school.

As discussed in Draft EIR Section 4.9, any future commercial or light industrial development proposed as part of the project 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 Ordinance No. 651, comply with 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 Health and Safety Code, and Resource Conservation and Recovery Act regulations in order to minimize potential impacts associated with the accidental release of hazardous materials. As a result, impacts would be less than cumulatively considerable in this regard. (Draft EIR page 5-20)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.



Impact HAZ-4: Airport Safety Hazard

Cumulative development could also occur within the limits of the airport influence area Compatibility Zones identified on Draft EIR Exhibits 4.9-3, 4.9-4 and 4.9-5. Like the proposed project, these developments could also modify the land uses within the airport land use Compatibility Plans and would be required to comply with the criteria implemented for each assigned Compatibility Zone. The compatibility criteria established by the Land Use Compatibility Plans are intended to reduce impacts related to land use safety with respect to both occupants of aircraft and people on the ground, protection of airport airspace, and general concerns related to aircraft overflight. Following adherence with the compatibility criteria identified by the airport land use Compatibility Plans, related development would not result in a safety hazard or excessive noise for people residing or working in the project area.

As discussed in Draft EIR Section 4.9, 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/or 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. 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. Therefore, future residential development 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. Policy LU 15.2 requires that all proposed projects located within Compatibility Zones to be reviewed for consistency with any applicable land use compatibility plan. 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 through allowing development clustering (LU Policy 15.9) and would ensure that future development would be compatible with the ALUCP and therefore, would not result in a significant impact. As a result, impacts would be less than cumulatively considerable in this regard. (Draft EIR page 5-20)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact HAZ-5: Interference with Emergency Response Plan

As discussed in Draft EIR Section 4.9, the proposed 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. The proposed project, as well as related cumulative development, would be subject to compliance with 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. Therefore, cumulative impacts associated with adopted emergency response or evacuation plans would be less than significant. (Draft EIR page 5-21)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact HAZ-6: Significant Risk of Loss, Injury or Death

Project implementation, combined with related cumulative projects, has the potential to expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires; see Draft EIR Section 4.20, *Wildfire* for a detailed discussion. Adherence to State and County codes, and 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 cumulative impacts would occur in this regard. (Draft EIR page 5-22)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact HWQ-1: Violation of Water Quality Standards

Short-Term Construction

Cumulative development would have the potential to affect water quality during the construction phase. Related cumulative developments that disturb one or more acre of soil would be required to obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Construction Permit and would avoid and/or reduce construction-related impacts to water quality through preparation of a site-specific SWPPP, which identifies applicable BMPs. Each project would be required to comply with existing water quality standards at the time of development review and implement BMPs, as necessary. Further, related cumulative development occurring within the County of Riverside would be subject to the County's Stormwater/Urban Runoff Management and Discharge Controls Ordinance. Thus, related development would not result in cumulatively considerable construction-related hydrology and water quality impacts.

As concluded above, future construction activities could violate water quality standards or waste discharge requirements within the project area. Individual development projects would be required to obtain coverage under the NPDES General Construction permit as it would disturb more than one acre of soil. Pursuant to Construction General Permit requirements, a site-specific SWPPP would be required to control construction-



related pollutants from leaving the site and affecting receiving waters. The SWPPP would include a list of BMPs that would be implemented to minimize environmental impacts and ensure that discharges during construction would not cause or contribute to any exceedance of water quality standards in the receiving waters. Following conformance with NPDES requirements and the County's Stormwater/Urban Runoff Management and Discharge Controls Ordinance, the project would not result in significant cumulatively considerable construction-related impacts to water quality or surface or groundwater quality.

Long-Term Operations

Project implementation, combined with related cumulative projects, would incrementally change regional drainage patterns and would increase potential for stormwater pollution. Cumulative development subject to NPDES requirements would be required to develop a stormwater management program that specifies BMPs to reduce the discharge of pollutants in stormwater to the maximum extent practicable. Cumulative development would be required to indicate how peak flows generated from each related project would be accommodated by existing and/or proposed storm drainage facilities and would be required to identify measures to ensure that each project does not adversely affect the rate or quantity of runoff leaving each site or degrade water quality. The Santa Ana and San Diego MS4 permit also requires all new development and significant redevelopment projects incorporate LID Best Management Practices where applicable and feasible. Further, related cumulative development occurring within the County of Riverside would be subject to the County's Stormwater/Urban Runoff Management and Discharge Controls Ordinance, and all applicable County Ordinances and State and Federal regulations in place to protect operational water quality. Therefore, related development would not result in cumulatively considerable operational hydrology and water quality impacts.

As concluded above, project implementation could potentially result in increased run-off and degraded water quality in the vicinity of the project area. Considering the existing regulatory framework in place to protect water quality (i.e., NPDES requirements, MS4, and applicable County ordinances), 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 cumulative water quality impacts to a less than significant level. (Draft EIR page 5-22)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact HWQ-2: Decrease Groundwater Supplies

Project implementation, combined with related cumulative projects, could result in changes to the amounts of impervious surfaces on each respective development site. Individual development projects would be required to mitigate drainage conditions through conformance with applicable local, State, and Federal regulatory requirements, as well as project-specific mitigation. 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 cumulative development proposals to verify that permeable areas are incorporated into site-specific project design. Therefore, related development would not result in cumulatively considerable impacts to groundwater supplies and groundwater recharge.

Implementation of the project in addition to related cumulative projects would result in changes to the amounts of impervious surfaces within the San Jacinto Groundwater Basin and Temecula Valley Groundwater Basin. However, the project area is not located within a groundwater recharge area and no groundwater extraction would occur as part of the project. In addition, the project's estimated water demand is not anticipated to significantly impact groundwater supplies; refer to Impact Statement HWQ-2 and Draft EIR Section 4.17. Therefore, the project would not result in significant cumulatively considerable impacts to groundwater supplies and groundwater recharge. (Draft EIR page 5-23)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact HWQ-3: Alter Drainage Pattern

Project implementation, combined with related cumulative projects, would incrementally change regional drainage patterns and would increase potential for impacts related to erosion or siltation, flooding, and polluted runoff. However, individual development projects would be required to mitigate impacts related to erosion or siltation, flooding, and runoff through conformance with applicable local, State, and Federal regulatory requirements, as well as project-specific mitigation. In addition, the Riverside County Flood Control and Water Conservation District (FCWCD) would review future cumulative development on a project-by-project basis and would require connection fees and ongoing user fees in accordance with its Area Drainage Plan (ADP).

As discussed, implementation of the project and related cumulative projects would result in an increase to impervious surfaces as compared to existing conditions. 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; refer to Impact Statement HWQ-3. 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 ADP. 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. (Draft EIR 5-24)

Mitigation Measures

No additional mitigation is required.



Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact HWQ-4: Release of Pollutants due to Flood, Tsunami, or Seiche Zones

Project implementation, combined with related cumulative projects, would incrementally change regional drainage patterns. In addition, related cumulative development could be located within the dam breach inundation areas for Diamond Valley Lake and Lake Skinner. However, individual development projects would be required to mitigate impacts related to flood flows through conformance with applicable local, State, and Federal regulatory requirements, as well as project-specific mitigation.

As discussed, 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; refer to Impact Statement HWQ-4. 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 cumulative impacts to a less than significant level. (Draft EIR page 5-25)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact HWQ-5: Conflict with Water Quality Control Plan

Cumulative development occurring within the jurisdiction of the San Diego and Santa Ana RWQCB would be subject to all applicable water quality control plans, policies, and objectives identified in each region's Basin Plan. Depending on their location, these projects would be subject to EMWD's GSP and the Upper Santa Margarita Watershed IRWMP. As discussed, cumulative development subject to NPDES requirements would be required to develop a stormwater management program that specifies BMPs to reduce the discharge of pollutants in stormwater to the maximum extent practicable. Cumulative development would be required to identify measures to ensure that each project does not adversely impact water quality, and would also be subject to the County's Stormwater/Urban Runoff Management and Discharge Controls Ordinance. Thus, related development would not result in cumulatively considerable impacts related to conflicting or obstructing implementation of a water quality control plan or sustainable groundwater management plan.

As indicated under Impact Statement HWQ-6, project implementation would not conflict with the San Diego and Santa Ana RWQCB's Basin Plans, EMWD's GSP, or the Upper Santa Margarita Watershed IRWMP following compliance with 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. As a result, project implementation is not anticipated to result in



cumulatively considerable impacts related to conflicting with or obstructing implementation of a water quality control plan or sustainable groundwater management plan. (Draft EIR page 5-25)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact PHE-1 and PHE-2: Population Growth and Displacement

As discussed in Draft EIR Section 4.14, *Population and Housing*, the project will facilitate an additional 12,329 dwelling units within the project area and a reduction of approximately 7,529,664 square feet of non-residential land uses in the Winchester PA. The reduction in non-residential uses could decrease employment by approximately 10,055 permanent jobs.

There are four (4) separate development projects (Cumulative Projects No. 5, 8, 9 and 10) within the County's jurisdiction that also fall within the project area. Although it is not certain whether or not these cases will be approved, it is assumed that the 4 projects will facilitate an additional 591 dwelling units and no non-residential uses. These 4 projects combined with the community plan could further induce population growth. As with the community plan, each of these projects along with any other future development would be reviewed by the County and required to show consistency with adopted State and County plans and policies to minimize the effect of potential population and housing growth on the environment. The increase in population would occur incrementally overtime and the County would also continue to monitor the extent of residential and nonresidential development and monitor employment growth and housing production in order to enhance the jobs-housing balance in the County. Overall, the project would not result in cumulatively considerable impacts in this regard, and impacts would be less than significant. (Draft EIR page 5-29)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact PS-1 through PS-4: Objectives for Public Services

As discussed in Draft EIR Section 4.15, *Public Services*, the project will facilitate an additional 12,329 dwelling units within the project area and a reduction of approximately 7,529,664 square feet of non-residential land uses in the Winchester PA. The reduction in non-residential uses could decrease employment by approximately 10,055 permanent jobs. Depending on the future development's location and opening year, future cumulative development could impact fire and sheriff protection services response times to the project area, or increase demands on school and library services, which could warrant construction of new facilities. To eliminate this impact, future cumulative development would be subject to compliance with Ordinance No.



659 and General Plan Policy LU 10.1, 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 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 public facilities and would minimize the project's operational impacts to public to the greatest extent practicable.

As concluded in Draft EIR Section 4.15, future development associated with the proposed project is not anticipated to involve significant impacts to public services following conformance with the applicable laws, ordinances, and regulations in place for fire protection, sheriff protection, school services, and library services. Further, as buildout of the proposed is anticipated to gradually occur through 2040, thus, public services within the project area would effectively plan for increases in population and demands for services as site-specific development occurs. Therefore, the proposed project would not result in cumulatively considerable impacts to public services. (Draft EIR page 5-30)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact REC-1: Deterioration of Recreational Facilities

As discussed in Draft EIR Section 4.16, *Recreation*, the project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of existing neighborhood or regional parks would occur. The Winchester Community Plan area's future parkland demand would be approximately 611 acres or approximately 1,006 acres less than the 1,617 acres of existing parkland currently available. Future residential development facilitated by the project that involves the subdivision of land would be subject to compliance with Ordinance No. 460, which includes requirements for providing open space and the dedication of land or payment of in lieu fees for park or recreation purposes, whenever land that is proposed to be divided for residential use. Thus, the proposed project would not result in a cumulatively considerable impact in this regard. (Draft EIR page 5-31)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.



Impact REC-2: Expansion of Recreational Facilities

As discussed in Draft EIR Section 4.16, the project does propose land use and policy changes that would facilitate development within the project area. The project area's future parkland demand with project implementation would be approximately 611 acres. However, the project area's existing park and recreation land supply of approximately 1,617 acres would exceed the future parkland demand by approximately 1,006 acres; therefore, based on existing parkland, sufficient excess park and recreation land would exist to meet the increased demand generated by the project. Additionally, all future residential development facilitated by the project that involves the subdivision of land would be subject to compliance with Ordinance No. 460, which includes requirements for providing open space and the dedication of land or payment of in lieu fees for park or recreation purposes, whenever land that is proposed to be divided for residential use. Thus, the proposed project would not result in a cumulatively considerable impact in this regard. (Draft EIR page 5-31)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact TRA-1: Conflict with Transportation Plan

As discussed in Draft EIR Section 4.17, *Transportation*, 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 with compliance with all applicable County General Plan Circulation Element policies and RCC regulations, as well as the service providers' (e.g., RTA, Caltrans) relevant facility design standards. In addition, future development in the project area would be subject to payment of applicable County Development Impact Fees including the TUMF and would be conditioned to construct roadway improvements as identified in the Transportation Uniform Mitigation Fee (TUMF) Transportation Improvement Plans (TIPs) to offset potential transportation impacts resulting from future development. Other cumulative developments would similarly be required to adhere to all applicable programs, plans, ordinances, and policies addressing the circulation system and would also be required to pay applicable Development Impact Fees. As such, cumulatively considerable impacts in this regard would be less than significant. (Draft EIR page 5-32)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.



Impact TRA-3: Hazards due to Geometric Design Feature

As discussed in Draft EIR Section 4.17, future development projects facilitated by the project within the project area would be reviewed by Riverside County to ensure that no hazards due to a geometric design feature would result from roadway improvements planned as part of implementing development. Other cumulative developments would similarly be required to demonstrate to Riverside County that no unsafe geometric design features would result. As such, cumulatively considerable impacts in this regard would be less than significant. (Draft EIR page 5-33)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact TCR-1: Tribal Cultural Resources

As discussed in Draft EIR Section 4.18, *Tribal Cultural Resources*, given that 1). the NAHC SLF search found that sites have been located within the APE; 2). studies conducted for previous developments in the project area returned recorded resources; and 3). The amount of vacant, undisturbed lands that remain within the project area, the potential exists for tribal cultural resources to be present in the project area.

Cumulative projects may also potentially impact previously unknown tribal cultural resources. It is possible that cumulative development could result in the adverse modification or damage to tribal cultural resources. Potential tribal cultural resource impacts associated with the development of individual projects would be site specific. Future development facilitated by this project would be subject to site-specific environmental analysis and be required to comply with existing Federal, State, and local regulations concerning the protection of tribal cultural resources on a project-by-project basis. Implementation of the recommended mitigation measures would ensure that potential impacts on tribal cultural resources are reduced to a less than significant level. (Draft EIR page 5-34)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact UTL-1: New or Expanded Facilities

Cumulative development 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. In conformance with General Plan Policy LU 5.2, the County would 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. In addition, the County would ensure cumulative



development pays the cost of its infrastructure and services needs and require new development to pay the capital costs of public facilities and services needed to serve those developments (Ordinance No. 659). To this end, cumulative development would be subject to payment of utility connection fees and ongoing user fees, on a project-by-project basis, which would be used in part to defray the costs of any necessary infrastructure upgrades. Construction and operation of new systems/infrastructure or facilities would be subject to environmental review pursuant to CEQA to determine whether adverse physical effects on the environment would occur. Thus, overall cumulative impacts would be less than significant.

As concluded in Impact Statement UTL-1, buildout of the project is not anticipated to involve significant impacts related to relocation or construction of utilities following conformance with the applicable laws, ordinances, and regulations in place for water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. Further, as buildout of the project is anticipated to gradually through 2040, the County and relevant utility service providers would effectively plan for increases in population and demands for utility services as site-specific development occurs. Therefore, the proposed project would not result in cumulatively considerable impacts concerning relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. (Draft EIR page 5-35)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact UTL-2: Sufficient Water Supplies

For purposes of water supply impacts, cumulative impacts are considered for projects also located within the EMWD service area. Cumulative development would generate increased demands for water services. Cumulative development that satisfies one or more of the criteria for a "water demand project," as defined by Water Code Section 10912(a), would be required to prepare a Water Supply Assessment in conformance with SB 610. Future cumulative projects would be required to evaluate potential impacts on existing and planned EMWD water supplies to determine whether sufficient water supply is available to serve anticipated demands in normal, single dry, and multiple dry year conditions. Thus, cumulative impacts to water supplies would be less than significant.

As concluded in Impact Statement UTL-2, buildout of the project is not anticipated to involve significant impacts related to water supplies following conformance with the applicable laws, ordinances, and regulations. Further, as buildout of the project is anticipated to gradually through 2040, the County and EMWD would effectively plan for increases in population and demands for utility services as site-specific development occurs. Therefore, the proposed project would not result in cumulatively considerable impacts concerning water supplies. (Draft EIR page 5-35)

Mitigation Measures

No additional mitigation is required.



Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact UTL-3: Wastewater Treatment Capacity

Cumulative development would result in increased wastewater generation within the project vicinity, which would require wastewater treatment by EMWD. In conformance with General Plan Policy LU 5.2, the County would 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. In addition, the County would ensure cumulative development pays the cost of its infrastructure and services needs and require new development to pay the capital costs of public facilities and services needed to serve those developments (Ordinance No. 659). To this end, cumulative development would be subject to payment of wastewater connection fees and ongoing user fees, on a project-by-project basis, which would be used in part to defray the costs of any necessary infrastructure upgrades. Thus, overall cumulative impacts to wastewater treatment would be less than significant.

As concluded in Impact Statement UTL-3, buildout of the project is not anticipated to involve significant impacts related to wastewater treatment following conformance with the applicable laws, ordinances, and regulations. Further, as buildout of the project is anticipated to gradually through 2040, the County and EMWD would effectively plan for increases in population and demands for wastewater treatment services as site-specific development occurs. Therefore, the proposed project would not result in cumulatively considerable impacts to wastewater treatment. (Draft EIR page 5-36)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact UTL-4 and UTL-5: Solid Waste

Cumulative development within the project area would increase demands for solid waste disposal services. However, cumulative development would be subject to all applicable laws, ordinances, and regulations in place for solid waste, including AB 939, Senate Bill 1016, and the California Green Building Standards Code. As indicated in Draft EIR Section 4.19.1, Existing Setting, the El Sobrante Landfill and the Lamb Canyon Landfill have a combined remaining capacity of 163,220,120 cubic yards. Thus, following conformance with existing regulations in place for solid waste disposal, cumulative impacts to solid waste would be less than significant.

As concluded in Impact Statement UTL-3 and UTL-4, project buildout is not anticipated to involve significant impacts concerning solid waste generation and regulations following conformance with the applicable laws, ordinances, and regulations in place for solid waste disposal (i.e., AB 939, Senate Bill 1016, and the California Green Building Standards Code). Further, solid waste generated by full buildout of the project would represent less than one percent of the daily disposal capacity of the El Sobrante Landfill and the Lamb



Canyon Landfill. Therefore, the proposed project would not result in cumulatively considerable impacts to solid waste. (Draft EIR page 5-37)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact WF-1: Impairment of Evacuation Plan

As discussed in Draft EIR Section 4.19, project implementation is not anticipated to impair an adopted emergency response plan or emergency evacuation plan. The potential to impair an adopted emergency response plan or emergency evacuation plan would be addressed on a project-by-project basis for individual projects within the project area as well as cumulative development proposals and conditions of approval and/or mitigation would be placed on proposed projects to address any potential impacts, consistent with the Safety Element and Ordinance No. 787, which adopts the CFC, as amended, to govern the safeguarding of life and property from fire, explosion hazards and hazardous conditions and to regulate the issuance of permits and collection of fees. Ordinance No. 787 also provides specifications for Fire Apparatus Access Roads. The County has outlined information, policies, and regulations regarding fire and other hazards in the Safety Element.

The project's adherence to State regulations (i.e., California Codes, California Emergency Services Act, and SEMS), County regulations (Ordinance No. 787 and RCFD Strategic Plans) would ensure that impacts related to emergency response and evacuation plans by ensuring that fire response times within acceptable limits and are not impeded as a result of cumulatively future development accommodated by the project would have less than significant impacts, and would thus not be cumulatively significant. (Draft EIR page 5-37)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact WF-2: Exposure to Pollutants from Wildfire

As discussed in Draft EIR Section 4.19, development facilitated by the project could be in or near a SRA and/or lands classified VHFHSZ; refer to Draft EIR Exhibit 4.20-1 and Exhibit 4.20-2. Because the project would both increase development and residential densities in or near areas susceptible to wildland fires, Project implementation could exacerbate wildfire risks in portion of the project area, thereby exposing future project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Safety Element Chapter 5 describes action items to reduce fire hazards, including removal or reduction of vegetation



that constitutes fuel for fires in or near developed areas and the development of a network of firebreaks that reduce the potential spread of wildfires.

Furthermore, future development facilitated by the project would be required to comply with applicable provisions of the CBC, CFC (County Ordinance 787), and RCFD Standards pertaining to human health and safety. The County would review all project plans to ensure compliance with these regulations. The potential to exacerbate wildfire risks and thereby expose occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire would be addressed on a project-by-project basis for individual projects within the project area and conditions of approval and/or mitigation will be placed on projects to address any potential impacts, consistent with the Safety Element and Ordinance No. 787. Through proper site design and compliance with standard and emergency County access requirements, future development would cumulatively not exacerbate wildfire risk, or expose future development site(s) to pollutant concentrations from a wildfire or uncontrolled spread of wildfire. (Draft EIR page 5-38)

Mitigation Measures

No additional mitigation is required.

Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact WF-3: Exacerbation of Fire Risk

As discussed in Draft EIR Section 4.19, development facilitated by the project could be in or near a SRA and/or lands classified VHFHSZ; refer to Draft EIR Exhibit 4.20-1 and Exhibit 4.20-2. Additionally, development facilitated by the project could require the installation of associated infrastructure that could exacerbate fire risk or result in temporary or ongoing environmental impacts. However, the potential for road maintenance, fuel breaks, emergency water sources, power lines, or other utilities to exacerbate fire risk or result in temporary or ongoing environmental impacts would be addressed on a project-by-project basis for individual projects within the project area. Each future development project would be reviewed and conditions of approval placed on the proposed project to address any potential impacts, consistent with the Safety Element's Fire Hazards section and Ordinance No. 787, which includes specifications regarding Fire Apparatus Roads. If new roads are proposed, due to the relatively fire-proof nature of roads, no adverse impacts are anticipated.

To ensure future development facilitated by the project is designed to minimize potential wildfire risk, the future project(s) would be required to comply with applicable provisions of the CBC, CFC, Riverside County Ordinance Nos. 460 and 787, and RCFD Standards pertaining to human health and safety. The County will review all project plans to ensure compliance with these regulations. Following compliance with the established regulatory framework, the project would not exacerbate fire risk or result in temporary or ongoing environmental impacts from the installation or maintenance of associated infrastructure. Therefore, impacts would be less than significant and would not induce cumulative impacts to the environment. (Draft EIR page 5-39)

Mitigation Measures

No additional mitigation is required.



Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

Impact WF-4: Exposure to Risk of Flooding or Landslides

As discussed in Draft EIR Section 4.19, development facilitated by the project could be in or near a SRA and/or lands classified VHFHSZ; refer to Draft EIR Exhibit 4.20-1 and Exhibit 4.20-2. As a result, project implementation could expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. According to the California Geological Survey, 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.¹² As previously discussed, slope angles in the project area vary from less than 15 percent to 30 percent or greater. However, future development facilitated by the project would include hardscape and landscape improvements that would serve to stabilize the built environment. Portions of the project area are located within the FEMA 100-year floodplain. Future uses within or altering a 100-year floodplain or other FEMA-mapped flood hazard area would need to obtain a Letter of Map Revision (LOMR), Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Revision Based on Fill (CLOMR-F) that describes the effect that the proposed project or fill would have on the NFIP map. Additionally, per Policy S 4.1, for new construction and proposals for substantial improvements to residential and non-residential development within 100-year floodplains as mapped by FEMA or as determined by site-specific hydrologic studies for areas not mapped by FEMA, Riverside County shall apply a minimum level of acceptable risk; and disapprove projects that cannot mitigate the hazard to the satisfaction of the Building Official or other responsible agency. Policy LU 9.4 allows 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. Adherence to FEMA regulations and the above General Plan policies would reduce impacts related to flooding and slope instability. The County has outlined information, policies, and regulations regarding fire and other hazards in the Safety Element and applicable County Ordinances. Safety Element Chapter 5 describes action items to reduce fire hazard within the County, including strict zoning and development regulations, removal or reduction of vegetation that constitutes fuel for fires in or near developed areas and the development of a network of firebreaks that reduce the potential spread of wildfires. Adherence to State and County codes, and emergency and evacuation plans set by the County would prevent impacts to people or structures from risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would not be cumulatively significant in this regard. (Draft EIR page 5-39)

Mitigation Measures

No additional mitigation is required.

¹² California Geological Survey, Geologic Hazards Data and Maps Data Viewer, Available at: <https://maps.conservation.ca.gov/geologichazards/>, Accessed April 2, 2021.



Finding

The Board of Supervisors finds that, based upon substantial evidence in the record, the potential impacts related to the project's effects would be less than cumulatively considerable, and no additional mitigation measures are required.

8 FINDINGS REGARDING IMPACTS THAT ARE MITIGATED BELOW A LEVEL OF SIGNIFICANCE

Pursuant to Section 21081(a) of the PRC and Section 15091(a)(1) of the State CEQA Guidelines, the Board of Supervisors finds that, for each of the following potentially significant effects identified in the EIR, changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the identified potentially significant effects on the environment to a less than significant level. These findings are explained below and are supported by substantial evidence in the record of proceedings.

8.1 SECTION 4.1: AESTHETICS

Impact AES-3: Degrade the Visual Character or Quality of the Site and its Surroundings

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. 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

Mitigation Measure 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.

Finding

The Board of Supervisors finds that the above mitigation measures are feasible and that they would reduce the potential visual impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.



Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measure AES-1, which would ensure that all equipment is screened to buffer views of construction, when feasible. Upon implementation of Mitigation Measure AES-1, impacts to the visual quality of the site during development would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (Draft EIR page 4.1-9)

8.2 SECTION 4.3: AIR QUALITY

Impact AQ-4: Odor Impacts

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

Mitigation Measure AQ-9

In the event a potential odor source is proposed near an existing sensitive receptor, the County of Riverside shall verify that project plans maintain an adequate buffer between potential new odor



sources and receptors such that emitted odors are dissipated before reaching the receptors (minimum of 500 feet depending on 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.

Finding

The Board of Supervisors finds that the above mitigation measures are feasible and that they would reduce the potential odor impacts of the project to a less than significant level. This mitigation measure is adopted by the Board of Supervisors. Accordingly, the Board finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measure AQ-9, which requires an adequate buffer between odor sources and receptors. Upon implementation of Mitigation Measure AQ-9, odor impacts would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (Draft EIR page 4.3-36)

8.3 SECTION 4.4: BIOLOGICAL RESOURCES

Impact BIO-1: Substantially Affect Special-Status Species Either Directly or Through Habitat Modifications

Plant Species

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 Multiple Species Habitat Conservation Plan (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 MSCHP policies, and Mitigation Measure BIO-1, impacts to special-status plant species would be less than significant.

Wildlife Species

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

Mitigation Measure 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.

Finding

The Board of Supervisors finds that the above mitigation measures are feasible and that they would reduce the potential biological impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measure BIO-1, which requires a qualified biologist to conduct a Biological Resources Assessment to determine if there are sensitive species or habitats located on the project site. Upon implementation of Mitigation Measure BIO-1, impacts to biological resources would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (Draft EIR page 4.4-22)

Impact BIO-2: Adverse Effect on Sensitive Natural Communities

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. 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 California Department of Fish and Wildlife (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 Clean Water Act (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, discussed under Impact BIO-1, above.

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the potential biological resources impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measure BIO-1, which requires a qualified biologist to conduct a Biological Resources Assessment to determine if there are sensitive species or habitats located on the project site. Upon implementation of Mitigation Measure BIO-1, impacts to biological resources would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (Draft EIR page 4.4-25)



Impact BIO-3: Adverse Effect on Protected Wetlands

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, discussed under Impact BIO-1, above.

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the potential biological resources impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measure BIO-1, which requires a qualified biologist to conduct a Biological Resources Assessment to determine if there are sensitive species or habitats located on the project site. Upon implementation of Mitigation Measure BIO-1, impacts



to biological resources would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (Draft EIR page 4.4-26)

Impact BIO-4: Interfere with Established Wildlife Corridors

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 to Mitigation Measure BIO-3. 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

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the potential biological resources impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.



Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measures BIO-2, BIO-3, and BIO-4 which require development to occur outside of the breeding season, and provide protective measures in case protected species/corridors are discovered. Upon implementation of Mitigation Measure BIO-2, BIO-3, and BIO-4, impacts to biological resources would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (Draft EIR page 4.4-27)

Impact BIO-5: Conflict with Tree Preservation Policies

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, discussed under Impact BIO-1, above.

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the potential biological resources impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measure BIO-1, which requires a qualified biologist to conduct a Biological Resources Assessment to determine if there are sensitive species or habitats located on the project site. Upon implementation of Mitigation Measure BIO-1, impacts to biological resources would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (Draft EIR page 4.4-29)

Impact BIO-6: Conflict with Habitat Preservation Plan

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, discussed under Impact BIO-1, above.

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the potential biological resources impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measure BIO-1, which requires a qualified biologist to conduct a Biological Resources Assessment to determine if there are sensitive species or habitats located on the project site. Upon implementation of Mitigation Measure BIO-1, impacts to biological resources would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (Draft EIR page 4.4-30)

8.4 SECTION 4.5: CULTURAL AND TRIBAL CULTURAL RESOURCES

Impact CUL-2: Substantial Change in an Archaeological Resource

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.

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.).¹³ This regulatory framework would reduce potential impacts to archaeological resources to a less than significant level with mitigation incorporated.

Mitigation Measures

Mitigation Measure CUL-1

If during ground disturbance activities, unanticipated cultural resources* are discovered, the following procedures shall be followed:

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

¹³ County of Riverside *County of Riverside General Plan Update Environmental Impact Report*, Page 4.9-42, December 8, 2015.



* 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.

** 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.

Mitigation Measure 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.

- a) 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.

Finding

The Board of Supervisors finds that the above mitigation measures are feasible and that they would reduce the potential cultural resources impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the HVWAP/Winchester Community Plan Area would be subject to Mitigation Measures CUL-1 and CUL-2, which outlines procedures which must be followed in the event of cultural resources or human remains are uncovered. Upon implementation of Mitigation Measures CUL-1 and CUL-2, impacts to cultural resources would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (Draft EIR page 4.5-17)

Impact CUL-3: Disturb Human Remains

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, discussed under Impact CUL-2, above.

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the potential cultural resources impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board of Supervisors finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measure CUL-2, which outlines procedures which must be followed in the event of human remains being uncovered. Upon implementation of Mitigation Measure CUL-2, impacts would be reduced to less than significant levels in this regard. As such, this impact would be less than significant with mitigation incorporated. (Draft EIR page 4.5-19)

8.5 SECTION 4.9: HAZARDS AND HAZARDOUS MATERIALS

Impact HAZ-2: Upset and Accident Conditions involving the Release of Hazardous Materials into the Environment

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. 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 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

Mitigation Measure 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.

Mitigation Measure 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.

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the potential paleontological resources impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measures HAZ-1 and HAZ-2, which require all subsequent projects in the project area to undergo Phase I/Phase II Environmental Site Assessments. Upon implementation of Mitigation Measure HAZ-1, impacts from potential hazardous materials would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (Draft EIR page 4.9-24)

8.6 SECTION 4.13: NOISE

Impact NOI-2: Vibration Impacts

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. Draft EIR Table 4.13-10, *Typical Vibration Levels for Construction Equipment*, identifies various vibration velocity levels for various construction equipment types.

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 **Error! Reference source not found.**, 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. **Error! Reference source not found.** 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

Mitigation Measure 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.

Mitigation Measure 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.

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the potential paleontological resources impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.



Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measures NOI-2 and NOI-3, which require all subsequent projects in the project area to undergo vibration impact analysis and follow construction methods that will reduce vibration. Upon implementation of these Mitigation Measures, impacts from potential vibrations would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (Draft EIR page 4.13-28)

Impact NOI-3: Excessive Noise Levels due to a Private Airstrip or Airport

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, discussed under Impact NOI-1

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the potential paleontological resources impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.



Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measures NOI-1, which requires that construction BMPs will be implemented by all project contractors to reduce construction noise levels.. Upon implementation of this Mitigation Measure, impacts from potential noise sources would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (Draft EIR page 4.13-31)

8.7 SECTION 4.17: TRANSPORTATION

Impact TRA-4: Inadequate Emergency Access

Construction Impacts

The project proposes land use and policy changes that would facilitate development within the project area. While the details for future development facilitated by the project are not known at this time, future development would involve construction activities over varying durations of time, which would generate construction-related traffic (e.g., worker vehicle trips and vendor trips for building materials delivery). These trips would occur only during the construction phase of future development projects in the project area. Effects on circulation due to future development could include increased congestion, lane or road closures, and detours.

To ensure that impacts associated with circulation effects are minimized, future development must prepare a Construction Transportation Plan (CTP) 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. Additionally, General Plan Policies C 20.6 and C 20.15 address dust control and runoff during all stages of roadway construction. Following compliance with Mitigation Measure TRA-2 and adherence to General Plan policies, construction-related impacts to emergency access would be reduced to less than significant.

Operational Impacts

The project proposes land use and policy changes that would facilitate development within the project area. While the details for future development facilitated by the project are not known at this time, future development with the potential to impact emergency access or access to nearby uses would be subject to discretionary permits and CEQA evaluation. The potential for future development to result in operational emergency access impacts would be evaluated at the project-level when development applications are submitted to the County. 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, and would be required to adhere to all State and local requirements for safe access, including emergency access.

As discussed previously, the County has adopted the 2019 California Fire Code as Riverside County Ordinance No. 787. Ordinance No. 787 requires new construction to demonstrate compliance with emergency access design standards for emergency equipment. Ordinance No. 787 and the California Fire Code also set standards for road dimension, design, grades, and other fire safety features. Additionally, more stringent CBC standards also apply regarding new construction and development of emergency access issues associated with earthquakes, flooding, climate/strong winds, and water shortages. Future development would be required to comply with applicable building and fire safety regulations required for the



design of new development and emergency access. General Plan Policy C 3.24 requires Riverside County to provide a street network, which ensures efficient routes by emergency vehicles. This policy also requires that the County coordinate with the Fire Department and other emergency service providers during roadway planning and design efforts. Thus, compliance with the Riverside County Ordinances and General Plan policies would ensure adequate access issues, including emergency access. As a result, future development facilitated by the project would not result in inadequate emergency access and a less than significant impact would occur.

Mitigation Measures

Mitigation Measure 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 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:

- 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 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.



- 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.

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the potential transportation impacts project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board of Supervisors finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measures TRA-2, which the preparation of a Construction Transportation Plan to reduce construction noise levels. Upon implementation of this Mitigation Measure, impacts from potential noise sources would be reduced to less than significant levels. As such, this impact would be less than significant with mitigation incorporated. (Draft EIR page 4.17-24)

8.8 SECTION 5: CUMULATIVE IMPACTS

Impact AES-3: Contribute to a Cumulatively Considerable Impact to Visual Character

Short-Term Impacts

Project construction activities are considered to be short-term and would cease upon project completion. There are currently four cumulative projects within the project area (Cumulative Project No. 5, 8, 9, and 10). Construction activities associated with buildout of the project and these cumulative projects could be viewed at the same time. However, with implementation of Mitigation Measure AES-1, future development within the Winchester Community Plan boundaries would be required to utilize temporary fencing to buffer views of construction equipment and material to reduce the negative visual impacts associated with grading and construction. Thus, with implementation of Mitigation Measure AES-1, the proposed project would not significantly contribute to the cumulative degradation of character/quality during construction.



Long-Term Impacts

Cumulative projects could result in a change in the character/quality of the landscape experienced within the Winchester Community Plan area. There are currently four cumulative projects within the project area (Cumulative Project No. 5, 8, 9, and 10). As a result, future development within the Winchester Community Plan Area and in the surrounding area would result in intensification of development. However, future development activities would be subject to the Winchester Community Plan Design Guidelines as well as several new and revised policies proposed for the HWAP that would preserve and enhance visual character and quality within the project area and surrounding vicinity. As such, it is not anticipated that the project would negatively impact visual character/quality of the project area. Individual development projects would be subject to the County's development review process to ensure high-quality development that is complementary and compatible with the community character and design. Thus, the proposed project would not result in a cumulatively considerable impact in this regard.

Mitigation Measures

Refer to Mitigation Measure AES-1.

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the contribution to cumulative aesthetic impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board of Supervisors finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measure AES-1, which would require construction equipment to be screened and located in designated staging areas. Upon implementation of Mitigation Measure AES-1, impacts to the visual quality of the area would be reduced to less than significant levels. Therefore, this impact would be reduced to a less than cumulatively considerable level. (Draft EIR page 5-6)

Impact AQ-4: Emissions Affecting a Substantial Number of People

As discussed in Draft EIR Section 4.3 *Air Quality*, 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. With implementation of Mitigation Measure AQ-9, impacts would be less than significant.

The South Coast AQMD *CEQA Air Quality Handbook* identifies certain land uses as sources of odors. These land uses include agriculture (farming and livestock), wastewater treatment plants, food processing plants, chemical plants, composting facilities, refineries, landfills, dairies, and fiberglass molding. The project would facilitate construction of residential uses that would not involve the types of uses that would emit objectionable odors affecting substantial numbers of people. The project does not anticipated development of any of the land uses that have been identified by the South Coast AQMD as significant odor sources. Therefore, impacts would be less than significant and would not be cumulatively considerable in this regard.



Mitigation Measures

Refer to Mitigation Measure AQ-8.

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the contribution to cumulative aesthetic impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board of Supervisors finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measure AQ-8, which would require minimum distances between potentially incompatible land uses. Upon implementation of Mitigation Measure AQ-8, impacts to the visual quality of the area would be reduced to less than significant levels. Therefore, this impact would be reduced to a less than cumulatively considerable level. (Draft EIR page 5-11)

Impact BIO-1: Threatened Species

Development of cumulative projects could result in direct take of special-status species, construction and post-construction disturbances, and/or special-status habitat conversion. Like the proposed project, all future cumulative development would undergo environmental review on a project-by-project basis, to evaluate potential impacts to biological resources and ensure compliance with the established regulatory framework. As such, cumulative impacts to biological resources within the County and surrounding areas would be mitigated on a project-by-project basis.

As concluded in Impact Statement BIO-1, the project area supports a variety of special-status plant, habitat, and animal species. However, compliance with Mitigation Measure BIO-1 would ensure impacts to candidate, sensitive, and special-status wildlife species are less than significant. 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 MSCHP policies, and Mitigation Measure BIO-1, impacts to special-status plant species would be less than significant. Therefore, the proposed project would not result in cumulatively considerable impacts to special-status species or habitat.

Mitigation Measures

Refer to Mitigation Measure BIO-1.

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the contribution to cumulative aesthetic impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board of Supervisors finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in,



or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measure BIO-1, which would ensure a pre-construction clearance survey is conducted by a qualified biologist for nesting birds and burrowing owl should future construction activities be initiated during the nesting season. Upon implementation of Mitigation Measure BIO-1, impacts to potential special-status wildlife species would be reduced to less than significant levels. Therefore, this impact would be reduced to a less than cumulatively considerable level. (Draft EIR page 5-12)

Impact BIO-2 and BIO-3: Threatened Communities or Protected Wetlands

Development of cumulative projects could result in the local and regional loss of wetlands, riparian habitats, and sensitive natural communities. Future cumulative development with the potential to impact to Federally-protected wetlands would require Clean Water Act Section 404 Permit from the USACE prior to demolition, grading, or building permit approval. Any adverse effects to Federally-protected wetlands would be fully mitigated through compliance with the Section 404 regulatory process, as the USACE ensures no net loss of riparian habitat and preservation of biological function and value of any on-site jurisdictional features. All future cumulative development with potential to affect CDFW-jurisdictional riparian habitats would require a jurisdictional assessment and would be subject to compliance with California Fish and Game Code 1600 et seq. and CWA Sections 401 and 404 requirements. Cumulative development with the potential to alter any watercourse or wetland would be required to obtain applicable permits from the appropriate resource agencies. In addition, future cumulative development would be required to demonstrate consistency with the Western Riverside County MSHCP at the time the development application is filed with the County. As such, cumulative impacts concerning riparian or sensitive natural communities within the County would be mitigated on a project-by-project basis following compliance with California Fish and Game Code 1600 et seq., CWA Sections 401 and 404, and Western Riverside County MSHCP requirements.

As concluded in Impact Statement BIO-2, 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 Draft EIR Exhibit 4.4-1. Any future development occurring outside of the Priority Development Area with potential to impact to Federally-protected wetlands and/or CDFW-jurisdictional riparian habitats would require preparation of a jurisdictional assessment to determine the presence/absence of jurisdictional features and would be subject to CDFW and CWA requirements. In addition, 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. 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. Therefore, the proposed project would not result in cumulatively considerable impacts to wetland, riparian, or sensitive natural communities.

Mitigation Measures

Refer to Mitigation Measure BIO-1.



Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the contribution to cumulative aesthetic impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board of Supervisors finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measure BIO-1, which would ensure a pre-construction clearance survey is conducted by a qualified biologist for nesting birds and burrowing owl should future construction activities be initiated during the nesting season. Upon implementation of Mitigation Measure BIO-1, impacts to potential special-status wildlife species would be reduced to less than significant levels. Therefore, this impact would be reduced to a less than cumulatively considerable level. (Draft EIR page 5-13)

Impact BIO-4: Established Corridors

Like the proposed project, future cumulative development could also support wildlife corridors as identified in WRC-MSHCP Figure 3-2, *Schematic Cores and Linkages Map*. These projects would be subject to the corridor conservation measures, edge effect controls, and other components contained within the WRC-MSHCP to ensure that future development within the project does not substantially interfere with wildlife movement or corridors. In addition, future cumulative development 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). Impacts would be less than significant in this regard.

As discussed in Draft EIR Section 4.3, future development accommodated by the proposed project would also be subject to the corridor conservation measures, edge effect controls, and other components contained within the WRC-MSHCP to ensure that future development within the project does not substantially interfere with wildlife movement or corridors (Mitigation Measure BIO-3). Future development within the project area would be required to comply with the mitigation framework included in Mitigation Measure BIO-2, which requires a preconstruction survey for nesting birds for all sites that contain trees, shrubs and/or other vegetation. Compliance with the established regulatory framework and Mitigation Measure BIO-2 through BIO-4 would reduce potential cumulative impacts to nesting birds and wildlife corridors to a less than significant level.

Mitigation Measures

Refer to Mitigation Measure BIO-2 through BIO-4.

Finding

The Board of Supervisors finds that the above mitigation measures are feasible and that they would reduce the contribution to cumulative aesthetic impacts of the project to a less than significant level. These mitigation measures are adopted by the Board. Accordingly, the Board of Supervisors finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.



Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measures BIO-2 through BIO-4, which provide guidance and requirements for protecting ecologically important areas. Upon implementation of Mitigation Measures BIO-2 through BIO-4, cumulative biological impacts would be reduced to less than significant levels (Draft EIR page 5-13)

Impact BIO-5: Tree Preservation

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.

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the contribution to cumulative biological impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board of Supervisors finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measure BIO-1, which would ensure a pre-construction clearance survey is conducted by a qualified biologist for nesting birds and burrowing owl should future construction activities be initiated during the nesting season. Upon implementation of Mitigation Measures BIO-2 through BIO-4, cumulative biological impacts would be reduced to less than significant levels. (Draft EIR page 5-13)

Impact BIO-6: Conflict with Habitat Conservation Plan

Cumulative development, as well as the proposed project area, are located within the Western Riverside County MSHCP. As discussed in Impact Statement BIO-2, the Western Riverside County MSHCP includes the protection of vulnerable species of wildlife, vegetation, and their environments. Future development in the project area and cumulative development projects identified above would be required to demonstrate



consistency with the Western Riverside County MSHCP at the time the development application is filed with the County. Impacts would not be cumulatively considerable in this regard.

As discussed in Draft EIR Section 4.3, 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, the proposed project would result in less than significant cumulative impacts to an adopted habitat conservation plan, natural community conservation plan, or State habitat restoration plan.

Mitigation Measures

Refer to Mitigation Measure BIO-1.

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the contribution to cumulative biological impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board of Supervisors finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measure BIO-1, which would ensure a pre-construction clearance survey is conducted by a qualified biologist for nesting birds and burrowing owl should future construction activities be initiated during the nesting season. Upon implementation of Mitigation Measures BIO-2 through BIO-4, cumulative biological impacts would be reduced to less than significant levels (Draft EIR page 5-13)

Impact CUL-1 and CUL-2: Historical and Archaeological Resources

The project proposes land use and policy changes that would facilitate development within the project area. Combined with related cumulative development, impacts to cultural resources could be cumulatively considerable.

Like the proposed project, future cumulative development projects would include site-specific development applications and would be required to adhere to the County's development review process, including CEQA analysis, as necessary, which would analyze potential cultural resource impacts and identify the applicable regulatory framework and mitigation measures, as necessary. As indicated in Draft EIR Section 4.5, to avoid potential impacts to cultural resources, compliance with Mitigation Measures CUL-1 and CUL-2 would be required. As a result, the proposed project would result in a less than significant impact to cultural resources with mitigation incorporated. Therefore, with the implementation of mitigation and compliance with the applicable regulatory framework, the project's contribution to a cumulatively considerable impact on historical and archaeological resources would be less than significant.

Mitigation Measures

Refer to Mitigation Measure CUL-1 and CUL-2



Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the contribution to cumulative impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board of Supervisors finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measures CUL-1 and CUL-2, which outline procedures in the case that resources are uncovered during groundbreaking activities. Upon implementation of Mitigation Measures CUL-1 and CUL-2, cumulative impacts would be reduced to less than significant levels. (Draft EIR page 5-13)

Impact CUL-3: Human Remains

The project does not propose any development; however, 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.

Cumulative projects may also have the potential to disturb buried human remains within the project area. There are currently four cumulative projects within the project area (Cumulative Project No. 5, 8, 9, and 10). As a result, future development within the project area and in the surrounding area would result in intensification of development and potential impacts to human remains. However, future development activities would be subject to development review and be required to comply with existing Federal, State, and local regulations as well as necessary mitigation measures concerning the protection of human remains. Furthermore, compliance with Mitigation Measure CUL-2 will be required for future development projects that are subject to CEQA. As a result, the project would result in a less than significant impact to human remains. Therefore, with the implementation of mitigation and compliance with the applicable regulatory framework, the project's contribution to a cumulatively considerable impact on historical and archaeological resources would be less than significant.

Mitigation Measures

Refer to Mitigation Measure CUL-2.

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the contribution to cumulative impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board of Supervisors finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.



Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measure CUL-2, which outline procedures in the case that remains are uncovered during groundbreaking activities. Upon implementation of Mitigation Measures CUL-2, cumulative impacts would be reduced to less than significant levels. (Draft EIR page 5-13)

Impact HAZ-1 and HAZ-2: Incidents and Handling of Hazardous Materials

As discussed in Draft EIR Section 4.9, *Hazards and Hazardous Materials*, (Impact Statement HAZ-1 and HAZ-2), exposure of the public or the environment to hazardous materials can occur through transportation accidents, environmentally unsound disposal methods, or improper handling of hazardous materials or hazardous wastes. Like the proposed project, all cumulative development activities requiring the routing use, storage, transport, or disposal of hazardous materials would be subject to applicable local, State, and Federal regulatory requirements in place for hazardous materials. Following conformance with existing regulatory requirements in place for hazardous materials, future development within the project area would not result in cumulatively considerable impacts involving the use, storage, and transport of hazardous materials during operations.

As discussed previously, future development activities accommodated by the project would be subject to compliance with Mitigation Measures HAZ-1 and HAZ-2 to reduce risk of release. Following compliance with Federal, State, and local laws and regulations regarding the use and storage of hazardous materials, as well as Mitigation Measures HAZ-1 and HAZ-2, the proposed project would have less than significant cumulatively considerable impact.

Mitigation Measures

Refer to Mitigation Measure HAZ-1 and HAZ-2.

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the contribution to cumulative impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board of Supervisors finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measure HAZ-1 and HAZ-2. Upon implementation of the Mitigation Measures, cumulative impacts would be reduced to less than significant levels. (Draft EIR page 5-13)

Impact NOI-2: Significant Vibration Impacts

As discussed in Draft EIR Section 4.13, *Noise*, 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. 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. Although construction activities associated with the proposed project and off-site cumulative projects may overlap, off-site projects within the County of Riverside would also be subject to the 0.2 inch-per-second PPV threshold. Further, the cumulative development projects would be required to implement any required mitigation measures on a project-by-project basis, as applicable, pursuant to CEQA provisions. Therefore, the project's contribution to cumulative vibration impacts would be less than significant with implementation of Mitigation Measure NOI-2 and NOI-3.

Mitigation Measures

Refer to Mitigation Measure NOI-2 and NOI-3.

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the contribution to cumulative impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board of Supervisors finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measure NOI-2 and NOI-3. Upon implementation of the Mitigation Measures, cumulative impacts would be reduced to less than significant levels. (Draft EIR page 5-13)

Impact NOI-3: Significant Airport Noise Impacts

As discussed in Draft EIR Section 4.13, *Noise*, 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. Like the proposed project, cumulative development would be subject to ALUC compatibility review. Further, the cumulative development projects would be required to implement any required mitigation measures on a project-by-project basis, as applicable, pursuant to CEQA provisions. Therefore, the project's contribution to cumulative vibration impacts would be less than significant with implementation of Mitigation Measure NOI-1.

Mitigation Measures

Refer to Mitigation Measure NOI-1.

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the contribution to cumulative noise impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board of Supervisors finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.



Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measure NOI-1. Upon implementation of the Mitigation Measures, cumulative impacts would be reduced to less than significant levels. (Draft EIR page 5-13)

Impact TRA-4: Inadequate Emergency Access

As discussed in Draft EIR Section 4.17, the project could result in construction-related impacts associated with inadequate emergency access during construction of future development implemented under the project. Mitigation Measure TRA-2 requires the preparation of Construction Transportation Plans (CTPs) for approval by the County to reduce emergency access impacts by future development projects. Other cumulative developments would similarly be required to prepare and implement CTPs during construction activities. As such, cumulatively considerable impacts in this regard would be less than significant.

Mitigation Measures

Refer to Mitigation Measure TRA-2.

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the contribution to cumulative impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board of Supervisors finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All projects within the Winchester Community Plan Area would be subject to Mitigation Measure TRA-2. Upon implementation of the Mitigation Measures, cumulative impacts would be reduced to less than significant levels. (Draft EIR page 5-13)

9 FINDINGS REGARDING IMPACTS THAT CANNOT BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE

This section identifies the significant and unavoidable impacts that require a statement of overriding considerations to be issued by the Board of Supervisors, pursuant to Section 15093 of the State CEQA Guidelines, if the proposed project is approved.

Based on the analysis contained in the EIR, project implementation has the potential to generate a significant and unavoidable impacts associated with Agriculture Resources, Land Use, Air Quality, Greenhouse Gas Emissions, Noise, and Transportation.



9.1 SECTION 4.2: AGRICULTURE AND FORESTRY RESOURCES

Impact AG-1: Conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to Non-Agricultural Use

As indicated in the Draft EIR, 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 the Draft EIR, there are approximately 9,889 acres of Important Farmland within the Winchester PA. 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 Community Plan Area buildout, although full buildout is unlikely due to market constraints and the large amount of vacant land analyzed.

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 Land Evaluation and Site Assessment (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 Feasible Mitigation Measures.

Finding

The Board of Supervisors finds that there are no feasible mitigation measures that can reduce the project's impacts to below a level of significance. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

Implementation of the Winchester Community Plan project would convert approximately eight percent of the 9,889 acres of Important Farmland within the project area. All future development will be required to comply with existing regulatory framework which intends to reduce the loss of agricultural resources. 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. Therefore, even with compliance to existing policies, the project would result in a cumulatively considerable and significant and unavoidable impact. (Draft EIR page 4.2-8)

Impact AG-2: Conflict with Existing Zoning for Agricultural Use or a Williamson Contract

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.

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. 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. 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 Feasible Mitigation Measures.

Finding

The Board of Supervisors finds that there are no feasible mitigation measures that can reduce the project's impacts to below a level of significance. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

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. However, these regulations would not prevent the conversion of lands currently in an agricultural use to non-agricultural use. Therefore, even with compliance to existing policies, the project would result in a cumulatively considerable and significant and unavoidable impact. (Draft EIR page 4.2-9)

9.2 SECTION 4.3: AIR QUALITY

Impact AQ-1: Obstruct Implementation of the Applicable Air Quality Plan

The current applicable air quality plan is the 2016 AQMP adopted on March 3, 2017. 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.

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. Impacts would be significant and unavoidable as future development facilitated by the project could increase the frequency or severity of existing air quality violations.

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 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.

Finding

The Board of Supervisors finds that feasible mitigation measures would not reduce the identified significant impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However,



pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

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. However, the full buildout of the Winchester Community Plan Area would likely result in emissions that exceed the current applicable air quality plan. Therefore, impacts would be significant and unavoidable. (Draft EIR 4.3-21)

Impact AQ-2: Long-Term (Operational) Air 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. Additionally, grading and hauling tend to generate the greatest fugitive dust and exhaust emissions. Further, demolition of buildings with asbestos containing materials could occur.

Construction Impacts

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. 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.

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.

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.

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.

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, 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

Mitigation Measure 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 State 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.

Mitigation Measure 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.

Mitigation Measure 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).
- Mitigation Measure 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.
- 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.
- 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.
- 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.
- Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- 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.

Mitigation Measure 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.

Mitigation Measure 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.



Mitigation Measure 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.

Finding

The Board of Supervisors finds that feasible mitigation measures would not reduce the identified significant impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

Implementation of adopted Mitigation Measures AQ-1, AQ-2, AQ-3, AQ-4, AQ-5, AQ-6, and AQ-7 is required. However, quantifying the air quality pollutant emissions from future, short-term, temporary construction activities allowed under the proposed plan is not possible due to project-level variability and uncertainties related to future individual projects in terms of detailed site plans, construction schedules, equipment requirements, etc., which are not currently determined. However, depending on how development proceeds, construction-generated emissions associated with the Winchester Community Plan Area could potentially exceed SCAQMD thresholds of significance. Future project-level analyses of air quality impacts may be conducted on a case-by-case basis as individual, future development projects allowed under the project proceed. However, the cumulative effect of the full buildout of the Winchester Community Plan Area must be considered significant and unavoidable. (Draft EIR 4.3-24)

Impact AQ-3: Localized Emissions

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 National Ambient Air Quality Standards (NAAQS) or California Ambient Air Quality Standards (CAAQS) are generally considered substantial.

Localized Significance Thresholds

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 Localized Significance Thresholds (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.

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. Although the project does not propose specific 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 (TAC)

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.¹⁴ 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 County.

¹⁴ 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.



Additionally, the ambient air toxics data from the ten fixed monitoring sites demonstrated a reduction in air toxic levels and risks.

California Air Resources Board (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

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. 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.

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, the Draft EIR shows that the project would increase reactive organic gases (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. 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

Mitigation Measure 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).

Requirements under 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.

Finding

The Board of Supervisors finds that feasible mitigation measures would not reduce the identified significant impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

Implementation of adopted Mitigation Measures AQ-8 is required. However, quantifying the air quality pollutant emissions from future, short-term, temporary construction activities allowed under the proposed plan is not possible due to project-level variability and uncertainties related to future individual projects in terms of detailed site plans, construction schedules, equipment requirements, etc., which are not currently determined. However, since, cumulatively generated emissions associated with the Winchester Community Plan Area could adversely affect the health of individuals, the impact is considered significant and unavoidable. (Draft EIR 4.3-31)

9.3 SECTION 4.8: GREENHOUSE GAS EMISSIONS

Impact GHG-1: Greenhouse Gas Emissions

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, 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.

The project's operational GHG emissions would total 2,222,730 MTCO_{2e}, or an additional 68,588 MTCO_{2e} 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.¹⁵ These project objectives would reduce GHG emissions.

¹⁵ 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.



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. 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. 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.

Mitigation Measures

Mitigation Measure 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.

Mitigation Measure 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.

Finding

The Board of Supervisors finds that there are no feasible mitigation measures that would reduce the identified significant impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

Implementation of adopted Mitigation Measures GHG-1 and GHG-2 is required. However, depending on how development proceeds, construction- and operational-related GHG emissions associated with future development could exceed the County's thresholds of significance. Therefore, impacts are considered significant and unavoidable.



Impact GHG-2: Conflict with an Applicable Greenhouse Gas Reduction Plan

As discussed in Impact Statement AQ-1 of the Draft EIR, 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.

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.

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, discussed under Impact 4.8.1, above.

Finding

The Board of Supervisors finds that there are no feasible mitigation measures that would reduce the identified significant impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

Implementation of adopted Mitigation Measures GHG-1 and GHG-2 is required. However, depending on how development proceeds, construction- and operational-related GHG emissions associated with future development could exceed the County's thresholds of significance. Therefore, impacts are considered significant and unavoidable.

9.4 SECTION 4.11: LAND USE AND PLANNING

Impact LU-2: Conflict with Adopted Land Use Policies

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. As discussed in the Draft EIR, 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 Sections 4.2 and 4.7 of the Draft EIR.

Finding

The Board of Supervisors finds that there are no feasible mitigation measures that would reduce the identified significant impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

All future development within the project area would be required to comply with existing regulations intended to avoid/minimize potential conflicts concerning land use. However, the project would be inconsistent with currently adopted Goals regarding air quality and agriculture. Therefore, even with compliance to existing



policies, the project would result in a cumulatively considerable and significant and unavoidable impact. (Draft EIR page 4.11-10)

9.5 SECTION 4.13: NOISE AND VIBRATION

Impact NOI-1: Ambient Noise Levels

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.

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).

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 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. 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.

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. 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. 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. 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 the Draft EIR, 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 HWWAP, 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 HWWAP 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

Mitigation Measure 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 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 County 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.

Finding

The Board of Supervisors finds that there are no feasible mitigation measures that would reduce the identified significant impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

All future development within the project area would be required to comply with existing regulations intended to avoid/minimize potential conflicts concerning noise levels. However, increased traffic levels and new operations would produce a significant level of noise despite mitigation. Therefore, even with compliance to existing policies, the project would result in a cumulatively considerable and significant and unavoidable impact. (Draft EIR page 4.13-18)



9.6 SECTION 4.17: TRANSPORTATION

Impact TRA-2: Vehicle Miles Traveled

VMT is a measure of total vehicular travel that accounts for the number of vehicle trips and the length of those trips. VMT allows for an analysis of a project's impact throughout the jurisdiction rather than only in the vicinity of the proposed project allowing for a better understanding of the full extent of a project's transportation-related impact. The project's VMT analysis was prepared based on Riverside County's Transportation Analysis Guidelines for Level of Service and Vehicle Miles Traveled, adopted December 2020. The VMT Analysis is included in Appendix E and is summarized below.

VMT Thresholds

VMT thresholds of significance for Riverside County are summarized in Table 4.17-1, VMT Thresholds of Significance. Since the project is comprised of a series of policy documents and policy revisions, and includes multiple land uses within the Highway 79 PA and Winchester PA (residential, office, retail, etc.), the threshold of significance is based on all the categories listed in the table.

Analysis Scenarios

The VMT analysis was completed using Riverside County's travel demand model, RIVTAM. RIVTAM is a useful tool to estimate VMT as it considers interaction between different land uses based on socio-economic data such as population, households, and employment. RIVTAM is a travel demand forecasting model that represents a sub-area (Riverside County) of the SCAG regional traffic model. RIVTAM was designed to provide a greater level of detail and sensitivity in the Riverside County area as compared to the regional SCAG model. The County Guidelines identify RIVTAM as the appropriate tool for conducting VMT modeling for land use projects within the County of Riverside.

The RIVTAM Model maintains a base year condition of 2012 which, for purposes of this analysis, is considered to be representative of existing conditions. The RIVTAM Model planning horizon year is 2040. The VMT analysis was conducted for existing and cumulative scenarios and results were compared to existing conditions. The analysis includes the following scenarios:

- Existing Conditions: Based on 2012 RIVTAM Model conditions.
- Existing Plus Project Conditions: Based on 2012 RIVTAM Model with the proposed project land uses; see Table 3-1, Proposed General Plan Land Use Designations.
- Cumulative No Project Conditions: Based on 2040 RIVTAM Model conditions without the proposed project area land uses.
- Cumulative Plus Project Conditions: Based on 2040 RIVTAM Model conditions with the proposed project land uses.
- Cumulative Plus Project Conditions with Regional Control Totals Maintained: Based on 2040 RIVTAM Model conditions with proposed project land uses. The 2040 RIVTAM Model land use control totals (total housing and employment) were held constant as compared to the Cumulative No Project Conditions by redistributing, on a weighted base, land use outside the Winchester Policy Area (PA) within unincorporated Riverside County.



- Cumulative No Project Conditions with City of Menifee Update: Based on 2040 RIVTAM Model conditions without proposed project land uses but with City of Menifee provided land use updates representing their forecasted 2040 conditions.
- Cumulative Plus Project Conditions with City of Menifee Update: Based on 2040 RIVTAM Model conditions with the proposed project land uses and with City of Menifee provided land use updates representing their forecasted 2040 conditions.³

VMT Analysis

VMT significance thresholds are based on land use type, broadly categorized as efficiency and net change metrics. Efficiency metrics include VMT/Capita (Residential) and Work VMT/employee (Employee-Based VMT) and are presented below in Table 4.17-2, Project VMT Impact Evaluation – Efficiency Metrics.

The calculations of VMT efficiency metrics have two components – the total number of trips generated and the average trip length of each vehicle. As the project involves both residential and non-residential trips, trip productions and attractions were used from the all home-based trip purposes and home-based-work trip purpose matrices, respectively. Using the peak and off-peak person trip matrices, skim (distances) matrices and appropriate occupancy rates, VMT was calculated for the project traffic analysis zones (TAZs). Table 4.17-2 shows the efficiency metric results for the analysis scenarios. Table 4.17-2 results are summarized below under the Conclusion Section.

Draft EIR Table 4.17-3, Total VMT Evaluation, summarizes the estimated total average daily weekday VMT for all the land uses within the Community Plan for the analysis scenarios. These VMT calculations relied on a link-based methodology with specific trip types used to estimate the vehicular traffic volume and VMT generated from all the land uses within the project area. This methodology isolates specific trip types (using select zone analyses) depending on their origin and destination relative to the project area and includes the entire trip length of each vehicle trip in the VMT estimate.

VMT Reducing Design Principles, Policies, and Improvements

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

VMT Reducing Design Principles

Project design elements that are VMT reducing, as described within the Draft Winchester Design Principles include specific design direction related to Smart Growth, Transit Oriented Development, Sustainability, and Mixed-Use projects, all of which may reduce project VMT.

VMT Reducing Policies and Improvements

This section, presented in full in Appendix E, discusses the establishment of a framework for a programmatic approach to policies and improvements that respond to the need for feasible VMT mitigation within the project area. Identified VMT mitigation opportunities include the following: Transportation Demand Measures; Implementation of SCAG SB 375 Measures; Transit and Multimodal Improvements; and Establishment of a VMT Bank/Exchange.



VMT Mitigation

As discussed previously, given the lack of specific information available for this community level plan, it is not possible to fully account for the effect of specific design principles, policies, and improvements that would reduce VMT as part of the analysis. Although many of the VMT reducing design principles, policies, and improvements that are described above may ultimately mitigate and/or potentially reduce the VMT impacts outlined, necessary details to assure implementation and appropriately evaluate their effect are not yet available. As discussed previously, the proposed community plan has the potential to result in residential development that would exceed residential VMT thresholds. To reduce the impact associated with residential uses, Mitigation Measure TRA-1 would require the County to establish an ordinance creating an impact fee program for all residential units built in the Highway 79 Policy Area and Winchester Community Plan Boundary. 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.

Conclusion

Based on the analysis results, the following findings are made:

- The Winchester PA and the Highway 79 PA's residential land uses in aggregate exceed the threshold under all project scenarios, even with the implementation of Mitigation Measure TRA-1. The project is determined to have a significant unavoidable transportation impact concerning VMT for residential development.
- The Winchester PA's employment-based VMT land uses (excluding retail) do not exceed the threshold under any plus project scenario and as a result are determined to have a less than significant transportation impact concerning VMT.
- The Highway 79 PA's employment-based VMT land uses (excluding retail) exceed the threshold under both plus project scenarios, and as a result, are determined to have a significant unavoidable transportation impact.
- Local-serving retail uses of less than 50,000 square feet per store, per Riverside County's traffic analysis guidelines, are presumed to have a less than significant impact.
- Regional-serving retail or other unique land uses would need to be evaluated on their own merits as detailed project descriptions become available in the future.

Note that specific future development projects could perform better or worse than the overall impacts determined by this programmatic-level analysis. However, in aggregate, it is likely that this 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 and Highway 79 PA's residential land uses in aggregate exceeding the threshold under all plus project scenarios and the Highway 79 PA's Employment-Based VMT land uses (excluding retail) exceeding the threshold under both scenarios.

Mitigation Measures

Mitigation Measure TRA-1



Prior to commencement of residential development within the Winchester PA and Highway 79 PA, 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 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.

Finding

The Board of Supervisors finds that the above mitigation measure is feasible and that it would reduce the potential impacts of the project to a less than significant level. This mitigation measure is adopted by the Board. Accordingly, the Board finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Rationale

All future development within the project area would be required to comply with existing regulations intended to avoid/minimize potential transportation impacts even with the implementation of Mitigation Measure TRA-1, impacts would remain significant and unavoidable for residential development. (Draft EIR page 4.17-18)

9.7 SECTION 5: CUMULATIVE IMPACTS

Impact AG-1: Cumulative Conversion of Farmland

The proposed project and related cumulative development could result in the conversion of important farmland to non-agricultural uses. Future development in the project area and cumulative development projects identified above would be required to evaluate potential impacts to agricultural resources at the time development applications are filed with the County. Individual projects occurring within the project area and cumulative development proposals would also be evaluated by the County for consistency with a variety of County policies, County Ordinances, and regulations in place to minimize impacts related to conversion of important farmland to non-agricultural use.

As discussed in Draft EIR Section 4.2, *Agriculture and Forestry Resources*, the proposed project would convert eight percent of important farmland to non-agricultural uses. Thus, the proposed project would result in a cumulatively considerable impact in this regard.

Mitigation Measures

No mitigation measures are required.

Finding

The Board of Supervisors finds that there are no feasible mitigation measures that would reduce the identified significant cumulative impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.



Rationale

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. However, these regulations would not prevent the conversion of lands currently in an agricultural use to non-agricultural use. Therefore, even with compliance to existing policies, the project would result in a cumulatively considerable and significant and unavoidable impact. (Draft EIR page 5.2-7)

Impact AG-2: Conflict with Existing Zoning for Agricultural Use

The proposed project and related cumulative development could conflict with existing zoning for agricultural use or a Williamson Act contract. As discussed in Draft EIR Section 4.2, *Agriculture and Forestry Resources*, the proposed project would convert eight percent of important farmland to non-agricultural uses. Additionally, approximately 5,282 acres of the project area are identified as Riverside County Agricultural Preserves (pursuant to the Williamson Act). Future development in the project area and cumulative development projects identified above would be required to evaluate potential impacts to agricultural resources at the time development applications are filed with the County. Individual projects occurring within the project area and cumulative development proposals would also be evaluated by the County for consistency with a variety of County policies, County Ordinances, and regulations in place to minimize impacts to agricultural zoning and Williamson Act contracts. Nonetheless, based on the project's significant and unavoidable impacts, impacts would be cumulatively considerable.

Mitigation Measures

No feasible mitigation measures.

Finding

The Board of Supervisors finds that there are no feasible mitigation measures that would reduce the identified significant cumulative impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

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. However, these regulations would not prevent the conversion of lands currently in an agricultural use to non-agricultural use. Therefore, even with compliance to existing policies, the project would result in a cumulatively considerable and significant and unavoidable impact. (Draft EIR page 5.2-8)

Impact AQ-1: Conflict with Existing Air Quality Plan

The South Coast Air Quality Management District (South Coast AQMD is the air pollution control agency for Orange County and the urban portions of Los Angeles, Riverside, and San Bernardino counties, which is referred to as the South Coast Air Basin (SCAB). The cumulative air quality impacts study area is the SCAB. Like the proposed project, future cumulative development proposals would be required to demonstrate consistency with the AQMP and 2020 Connect SoCal RTP/SCS to verify they do not interfere with attainment. 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 County Ordinances in place to protect air quality.

As discussed in Draft EIR Section 4.3 *Air Quality*, due to the proposed project's size, operational emissions would exceed thresholds and impacts would be potentially significant as future development facilitated by the project could increase the frequency or severity of existing air quality violations. Although the proposed 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 potentially exceed South Coast AQMD project-level construction and operational thresholds (refer to discussion under Impact Statement 4.3-2) and implementation of all South Coast AQMD rules, regulations, and control measures may not be feasible for future developments. Thus, impacts would be cumulatively considerable in this regard.

Mitigation Measures

No feasible mitigation measures.

Finding

The Board of Supervisors finds that there are no feasible mitigation measures that would reduce the identified significant cumulative impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

All future development within the project area would be required to comply with existing regulations intended to avoid/minimize potential conflicts concerning air quality impacts. However, it is not possible to assess data on future developments within the plan area. Therefore, air quality impacts are considered cumulatively significant and unavoidable. (Draft EIR page 5.3-9)

Impact AQ-2: Cumulatively Considerable Net Increase of Pollutants

As discussed in Draft EIR Section 4.3, 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 and would be cumulatively considerable in this regard.



Mitigation Measures

Refer to Mitigation Measures AQ-1 through AQ-7.

Finding

The Board of Supervisors finds that there are no feasible mitigation measures that would reduce the identified significant cumulative impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

Mitigation Measures AQ-1 through AQ-7 will be implemented. Additionally, all future development within the project area would be required to comply with existing regulations intended to avoid/minimize potential conflicts concerning air quality impacts. However, it is not possible to assess data on future developments within the plan area. Therefore, despite mitigation, air quality impacts are considered cumulatively significant and unavoidable. (Draft EIR page 5.3-10)

Impact AQ-3: Cumulatively Considerable Net Increase of Pollutants

As discussed in Draft EIR Section 4.3, 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. Mitigation Measure AQ-8 would require minimum distances between potentially incompatible land uses utilizing South Coast AQMD standards. However, because this impact may adversely affect the health of individuals, the impact is considered significant and unavoidable and would be cumulatively considerable impact in this regard.

Mitigation Measures

Refer to Mitigation Measure AQ-8.

Finding

The Board of Supervisors finds that there are no feasible mitigation measures that would reduce the identified significant cumulative impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

Mitigation Measure AQ-8 will be implemented. Additionally, all future development within the project area would be required to comply with existing regulations intended to avoid/minimize potential conflicts concerning air quality impacts. However, it is not possible to assess data on future developments within the plan area. Therefore, despite mitigation, air quality impacts are considered cumulatively significant and unavoidable. (Draft EIR page 5.3-11)



Impact GHG-1 and GHG-2: Climate Change and Conflict with Applicable Policy

Project-related GHG emissions are not confined to a particular air basin; instead, GHG emissions are dispersed worldwide. No single project is large enough to result in a measurable increase in global concentrations of GHG emissions. Therefore, impacts identified under Impact Statement GHG-1 and GHG-2 are not project-specific impacts to global climate change, but the proposed project's contribution to this cumulative impact. As discussed in Draft EIR Section 4.8, *Greenhouse Gas Emissions*, 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. The project's contribution to GHG impacts would be cumulatively significant in this regard.

Mitigation Measures

Refer to Mitigation Measure GHG-1 and GHG-2.

Finding

The Board of Supervisors finds that there are no feasible mitigation measures that would reduce the identified significant cumulative impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

Mitigation Measures GHG-1 and GHG-2 will be implemented. Additionally, all future development within the project area would be required to comply with existing regulations intended to avoid/minimize production of Greenhouse Gases. However, it is not possible to assess data on future developments within the plan area. Therefore, despite mitigation, Greenhouse Gas impacts are considered cumulatively significant and unavoidable. (Draft EIR page 5-181)

Impact LU-2: Conflict with Adopted Land Use Plans

As demonstrated in Draft EIR Table 4.11-1, the proposed project would be consistent with the relevant County of Riverside General Plan policies. In addition, the project would be generally consistent with the relevant and applicable policies of the 2020-2045 RTP/SCS; refer to Draft EIR Table 4.11-2. However, the proposed 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 proposed project would also only partially achieve Goal 10 of the 2020-2045 RTP/SCS based on its significant and unavoidable impacts to agricultural resources.

Development projects within the County undergo a similar plan review process to determine potential land use planning policy and regulation conflicts. Each cumulative project would be analyzed independent of other projects, within the context of their respective land use and regulatory setting. As part of the review process, each project would be required to demonstrate compliance with the provisions of the applicable land use designation(s). As with the proposed project, each project would be analyzed to verify consistency with the goals and policies of the General Plan. In addition, regionally significant cumulative development would be



reviewed against the goals of the 2020-2045 RTP/SCS. Nevertheless, due to the project's inconsistency with the 2020-2045 RTP/SCS policies noted above, the project would result in cumulatively considerable impacts, and impacts would be significant and unavoidable in this regard.

Mitigation Measures

Refer to Draft EIR Sections 4.2 and 4.7.

Finding

The Board of Supervisors finds that there are no feasible mitigation measures that would reduce the identified significant cumulative impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

All future development within the project area would be analyzed prior to approval. However, the current project conflicts with some county goal regarding land use. Therefore, even with compliance to existing policies, the project would result in a cumulatively considerable and significant and unavoidable impact.

Impact NOI-1: Increase in Ambient Noise Levels

Construction

Construction activities associated with the proposed project and cumulative projects may overlap, resulting in construction noise in the area. However, as analyzed above, construction noise impacts primarily affect the areas immediately adjacent to the construction site and would be reduced through compliance with applicable General Plan Policies, County Ordinances, and construction BMPs. The construction activities associated with the cumulative development projects would also be required to comply with the established regulatory framework and would incorporate mitigation measures on a project-by-project basis, as applicable, to reduce construction noise pursuant to CEQA provisions. Therefore, the project's contribution to cumulative construction noise impacts would be less than significant.

Operation

As discussed in Draft EIR Section 4.13, *Noise*, 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 HWWAP, 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 HWWAP 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 occurring within the project area and future cumulative development proposals 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. Impacts would be cumulatively significant in this regard.

Mitigation Measures

Refer to Mitigation Measure NOI-1.

Finding

The Board of Supervisors finds that there are no feasible mitigation measures that would reduce the identified significant cumulative impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

Rationale

Mitigation Measure NOI-1 will be implemented to ensure that construction best management practices are used to reduce noise levels. However, even with the mitigation incorporated, the project is anticipated to produce cumulatively considerable noise levels. Therefore, this impact is significant and unavoidable.

Impact TRA-2: Conflict with CEQA Transportation Guidelines

As discussed in Draft EIR Section 4.17, the project would result in a significant unavoidable impact concerning the Winchester PA's and Highway 79 PA's (outside of the Winchester PA) residential land uses in aggregate exceeding the County's adopted threshold of 15.19 VMT per capita under all plus project scenarios, and the Highway 79 PA's (Outside Winchester PA) Employment-Based VMT land uses (excluding retail) exceeding the County's adopted threshold of 14.24 VMT per employee under both scenarios. To reduce the impact associated with residential uses, Mitigation Measure TRA-1 would require the County to establish an ordinance creating an impact fee program for all residential units built in the Highway 79 Policy Area and Winchester Community Plan Boundary. 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 level of unknown associated with future development, even with the implementation of Mitigation Measure TRA-1 impacts would remain significant and unavoidable for residential development.

Other cumulative projects within the project region also have the potential to exceed the County's thresholds of significance for VMT. Accordingly, VMT associated with the project would result in cumulatively considerable impacts relative to VMT.

Mitigation Measures

Refer to Mitigation Measure TRA-1.

Finding

The Board of Supervisors finds that there are no feasible mitigation measures that would reduce the identified significant cumulative impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.



Rationale

Mitigation Measure TRA-1 will be implemented. However, even with the mitigation incorporated, the project is anticipated to result in cumulatively considerable impacts regarding Vehicle Miles Traveled. Therefore, this impact is significant and unavoidable.

10 FINDINGS REGARDING ALTERNATIVES

Section 15126.6(a) of the State CEQA Guidelines requires the discussion of “a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.” The Final EIR identified and considered the following reasonable range of feasible alternatives to the proposed project; these alternatives would be capable, to varying degrees, of reducing identified impacts:

- Alternative 1: No Project Alternative
- Alternative C: Commercial Focus Alternative
- Alternative M: Mixed-Use Focus Alternative
- Alternative R: Residential Focus Alternative

These alternatives are evaluated for their ability to avoid or substantially lessen the impacts of the proposed project identified in the Final EIR, as well as for their ability to meet the basic objectives of the proposed project as described in the Final EIR.

10.1 ALTERNATIVE A: NO PROJECT ALTERNATIVE

DESCRIPTION

State CEQA Guidelines Section 15126.6(e)(1) requires that the “no project” alternative be described and analyzed “to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project.” The no project analysis is required to discuss “the existing conditions at the time the notice of preparation is published...as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services” (Section 15126.6[e][2]). The State CEQA Guidelines continue:

If the project is a development project on identifiable property, the no project alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project were approved. If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this “no project” consequence should be discussed. In certain instances, the no project alternative means “no build” wherein the existing environmental setting is maintained. However, where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project’s non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment. (Section 15126.6[e][3][B])

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 Land Use Designations.

Compared to the proposed project, this Alternative would result in 12,329 fewer dwelling units but 7,529,664 additional square feet of non-residential development. Thus, it is anticipated that development under Alternative A would likely result in similar or greater impacts related to air quality. Alternative A would be neither environmentally superior nor inferior to the proposed project in this regard.

FINDING

Implementation of this alternative would reduce significant and unavoidable impacts to agriculture/land use to levels that are less than significant. However, it would not improve upon any of the other significant impacts. Additionally, Alternative A would result in larger impacts related to Aesthetics and Transportation. Further, Alternative A would not meet eight of the ten project objectives. The Board of Supervisors rejects the No Project Alternative as undesirable because it fails to achieve the project's underlying purpose and does not meet most of the project objectives.

RATIONALE

As stated above, this alternative does not meet the project objectives. In addition, this alternative would not contribute to the County's goals to achieve high quality development and compatibility with adjacent land uses and the overall character of the community.

Aesthetics/Light and Glare

Under Alternative A, the project area would continue to be a mix of residential, commercial, and industrial uses. Although approximately 17 percent fewer dwelling units would be developed under Alternative A, approximately 28 percent more non-residential development would occur. This would result in more potential light and glare impacts and may result in impacts to scenic highways and scenic resources, exposure of sensitive uses to unacceptable light levels, and interference with nighttime use of the Mt. Palomar observatory. Similar to the project, it is anticipated that compliance with the established regulatory framework would reduce Alternative A's aesthetic impacts to less than significant. The proposed project's design guidelines that encourage a "sense of place" in the area would not be implemented under Alternative A.

Alternative A would be environmentally inferior to the project concerning aesthetics, given the Proposed project's design guidelines, a beneficial impact, would not occur.

Agriculture and Forestry Resources

Under Alternative A, no change to existing land use designations would occur in the project area. Existing Important Farmland would be converted only if already designated for a non-agricultural use in the General Plan. The project's conversion of approximately 814 acres of Important Farmland would not occur. Under Alternative A, impacts concerning conversion of Important Farmland and Williamson Act contract land would continue, as development occurs according to the General Plan; however, impacts would be less than the project given no redesignation of Important Farmland would occur. There are no designated forest lands or timberland in the project area; therefore, as with the project, no impact would occur in this regard under Alternative A.



Alternative A would be environmentally superior to the project concerning agricultural resources, given the alternative would not have the potential to conflict with a Williamson Act contract. Alternative A would reduce significant and unavoidable agricultural resources impacts found under the project to levels that are less than significant.

Air Quality

As detailed in Draft EIR Section 4.3, *Air Quality*, the project would result in significant and unavoidable impacts related to short-term construction and long-term operational emissions as well as localized emissions and cumulative impacts to short- and long-term air quality emissions. Compared to the proposed project, this Alternative would result in 12,329 fewer dwelling units but 7,529,664 additional square feet of non-residential development. Thus, it is anticipated that development under Alternative A would likely result in similar or greater impacts related to air quality. Alternative A would be neither environmentally superior nor inferior to the proposed project in this regard.

Biological Resources

The footprint for Alternative A and the proposed project are the same. Biological resource impacts would be primarily dependent upon the footprint of each future development occurring on vacant sites. As such, potential impacts to habitat modifications of any species identified as sensitive or special status species, riparian habitat, sensitive natural communities, Federally protected wetlands, movement of native resident or migratory fish or wildlife species would be similar under Alternative A and the project. As with the project, future development under Alternative A may result in direct and indirect impacts to biological resources. However, upon compliance with current regulatory requirements and required mitigation measures, it is anticipated that impacts related to biological resources would be less than significant under either development scenario.

Alternative A would be neither environmentally superior nor inferior to the project concerning biological resources.

Cultural Resources

Alternative A and the project would anticipate future development on existing vacant land, infill development, and redevelopment of currently developed properties. Therefore, potential impacts cultural resources would be primarily dependent upon the footprint of each future development. Under Alternative A, cultural resource impacts would be the same as the project given the common footprint and compliance with Federal, State, and local requirements along with required mitigation measures, would reduce potential impacts to cultural resources to less than significant levels.

Alternative A would be neither environmentally superior nor inferior to the project concerning cultural resources.

Energy

Alternative A would result in more non-residential development when compared to the project. At this programmatic level, it is assumed that construction and operations of 12,329 fewer DU and 7,529,664 more SF of non-residential development under Alternative A would result in similar energy demand as the project. As such, Alternative A would be neither environmentally superior nor inferior to the proposed project concerning energy.



Geology and Soils

Geology, soils, seismicity, and paleontological resource impacts would be primarily dependent upon the footprint of each future development occurring on vacant sites. Under Alternative A, geology, soils, seismicity, and paleontological resource impacts would be same as the project given the common footprint, and the same mitigation program would apply. As with the project, potential impacts associated with Alternative A would be mitigated to a less than significant level.

Alternative A would be neither environmentally superior nor inferior to the project concerning geology, soils, seismicity, and paleontological resources, given the same development footprint would occur under Alternative A and the project.

Greenhouse Gas Emissions

As previously mentioned, Alternative A would result in more non-residential development than the project. Construction GHG emissions cannot be calculated for future development under either Alternative A or the project, given the high-level planning nature of a General Plan, thus, it is unknown whether Alternative A's construction GHG emissions would be greater compared to the project. Draft EIR Section 4.3 indicates that operational GHG emissions under Alternative A are estimated to be approximately 2.15 million metric tons carbon dioxide equivalent (MTCO_{2e}) annually, compared to the project's estimated 2.22 million MTCO_{2e} annually. Therefore, Alternative A would result in approximately 3.0 percent (or 70,000 MTCO_{2e}) less annual GHG emissions than the project. Although emissions would be reduced under Alternative A, this alternative would not allow for the development of a mix of residential, commercial (retail and office), and other land uses near public transportation as the proposed project would. As discussed in Draft EIR Section 4.3, increased use of public transportation, walking, and biking would help reduce mobile GHG emissions from vehicle trips. This alternative would not be consistent with the policies and initiatives of State GHG reduction programs, as well as the regional RTP/SCS in this regard. This alternative also would not 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. Alternative A would be neither environmentally superior nor inferior to the proposed project in this regard.

Hazards and Hazardous Materials

Under Alternative A, impacts related to hazards and hazardous materials would be greater than the proposed project because Alternative A would result in more non-residential development and less residential. Non-residential development can result in land uses, such as gas stations, commercial centers, and industrial sites, that are associated with greater routine transport, use, or disposal of hazardous materials, than residential development. More non-residential development under Alternative A could increase the chance of hazardous emissions production within 0.25-mile of an existing or proposed school, compared to the lower chance related to decreased non-residential development potential under the project. However, future development under either scenario would be subject to existing regulations, standards, and procedures mandated by applicable local State and Federal laws and regulations. Compliance with these regulatory requirements would ensure risks related to hazards and hazardous materials during construction and operational activities of new projects are reduced to less than significant levels. Alternative A and the project are both not anticipated to increase exposure to airport hazards, affect aircraft operations, or create an airport safety hazard for residents following review/approval by the Riverside County Airport Land Use Commission. This, Alternative A is neither environmentally superior nor inferior to the proposed project.



Hydrology and Water Quality

Alternative A and project construction activities would both potentially increase erosion and sediment, leading to increased stormwater runoff and water quality impacts. Under both Alternative A and the project impervious surface areas would increase, decreasing water infiltration into groundwater basins and reducing groundwater recharge. However, both Alternative A and the project would be required to adhere to all Federal, State, and local requirements, such as Riverside County's Stormwater/Urban Runoff Management and Discharge Ordinance and relevant BMPs, for avoiding and minimizing construction and operations impacts to detain and treat surface runoff and reduce water quality impacts to a less than significant level. Also, both Alternative A and the project would consider the Upper Santa Margarita Watershed Integrated Regional Water Management Plan (IRWMP) goals and objectives to avoid conflict with the Plan's implementation.

Alternative A would be neither environmentally superior nor inferior to the proposed project.

Land Use and Relevant Planning

As with the project, Alternative A would not physically divide an established community. Neither Alternative A or the project would introduce any roadways or infrastructure that would bisect or transect the existing neighborhoods. Under Alternative A, the project area would continue to be developed consistent with the existing General Plan and zoning. Alternative A would not involve a General Plan Amendment. Thus, the project's land use impacts would be avoided under Alternative A. However, none of the project's proposed policies, which would encourage a "sense of place" in the area through optimal building configuration, architectural design, and coordinated streetscape development and are considered beneficial would occur under Alternative A.

Alternative A would be environmentally superior to the proposed project concerning land use and planning because no land use changes would occur.

Mineral Resources

The footprint for Alternative A and the proposed project are the same. Neither Alternative A or the project would result in the loss of availability of a known mineral resource of regional or statewide significance, given the absence of known or inferred significant mineral resources within the project boundary area. Neither Alternative A or the project would result in the loss of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

Alternative A would be neither environmentally superior nor inferior to the proposed project concerning mineral resources given the lack of resources present in the project area.

Noise

Alternative A would anticipate future development on existing vacant land or through redevelopment of currently developed land. This alternative would introduce 12,329 fewer dwelling units and 7,529,664 additional square feet of non-residential development compared to the project. Therefore, future development under either scenario would result in additional noise from construction and operational (mobile and stationary sources) activities. Under both development scenarios, construction activities would be required to comply with the County's Noise Ordinance. Further, the County's General Plan Noise Element includes goals and policies that would reduce both transportation and non-transportation related noise impacts through land use planning, project design, and development review. As such, impacts would be similar, and the Alternative A is considered neither environmentally superior nor inferior to the project.



Population and Housing

Alternative A would result in buildout according to the existing General Plan, resulting in 21 percent fewer dwelling units and 21 percent less population growth, as compared to the project; therefore, Alternative A would not induce substantial unplanned population growth. However, Alternative A involves 28 percent more non-residential development and 17 percent more jobs than the project, thus potentially inducing indirect population growth and increased housing demand through employment-generating land uses.

Alternative A would be environmentally superior to the proposed project concerning population and housing, given this Alternative would facilitate development according to the existing General Plan.

Public Services

The project area currently contains agricultural, urbanized, and undeveloped lands. Alternative A and the proposed project both encourage additional development, including both residential and non-residential uses, on these lands. The increase of both infill development and new development, especially in underutilized lands, under both Alternative A and the project would proportionately increase the demand for public services (police, fire, schools, parks, and other public facilities). The County requires payment of planning and development service fees to support future services, which help the County to fund the provision of any necessary additions or alterations to public services. Thus, as with the project, impacts would be less than significant. However, given that public service providers base their long-term planning upon the adopted General Plan, Alternative A would result in proportionally reduced impacts concerning public services.

Alternative A would be environmentally superior to the proposed project concerning public services given that public service providers have already based their long-term planning upon the adopted General Plan.

Recreation

Fewer residences under Alternative A would result in proportionately less demand for recreational facilities. Alternative A would generate 17 percent fewer dwelling units and 17 percent less population compared to the proposed project. Thus, Alternative A would require less construction or expansion of recreational facilities than the proposed project. Like the project, Alternative A could meet parkland demand through construction of additional parks, payment of in-lieu fees, or a combination of both. Also, neither Alternative A or the project are in a Community Service Area that provides recreational services.

Therefore, Alternative A would be environmentally superior to the proposed project concerning recreation because less overall demand for recreational facilities would occur.

Transportation

Alternative A would result in more non-residential development than the project, allowing up to approximately 34 million SF of non-residential development (an increase of 28 percent when compared to the project), and resulting in 60,213 jobs (an increase of 20 percent compared to the project). More non-residential development and employment opportunities would generate more VMT. As shown in Draft EIR Table 4.17-2, *Project VMT Impact Evaluation – Efficiency Metrics*, Alternative A, which is existing General Plan buildout (i.e., Cumulative No project Conditions with City of Menifee Update) would result in approximately 0.7 percent greater VMT in Riverside County compared to the project. Both Alternative A and the project would require future development to comply with all applicable Riverside County Circulation Element policies and County Ordinances, as well as the service-provider's relevant facility design standards, concerning roads, emergency access, and bicycle infrastructure. Both Alternative A and the project would be subject to compliance with Ordinance No. 659, which requires payment of the appropriate Development Impact Fees



to account for increased maintenance costs associated with new or altered roadway maintenance resulting from future development.

Therefore, Alternative A would be environmentally inferior to the project concerning transportation, given it would generate greater VMT than the proposed project.

Tribal and Cultural Resources

The footprint for Alternative A and the proposed project are the same. Tribal cultural resource impacts are primarily dependent upon the construction and operations footprint of each development, as well as depth of excavation. Under Alternative A, tribal cultural resource impacts would be same as the project and the same mitigation program would apply. As with the project, potential impacts associated with Alternative A can be mitigated to a less than significant level.

Alternative A would be neither environmentally superior nor inferior to the proposed project concerning tribal cultural resources, given the development footprint is the same for both Alternative A and the project.

Utilities and Services System

Draft EIR Table 4.19-5, *Estimated Project Water Demand* shows the water demand for Alternative A (existing General Plan) and the proposed project and indicates Alternative A water demand would be approximately 14,443 acre-feet per year (AFY) less than the project. Because the Urban Water Management Plan's (UWMP) forecast water demand is based on the existing General Plan, Alternative A's impact concerning sufficient water supplies would be less than the project, which would exceed the UWMP forecast water demand. Concerning wastewater generation, Draft EIR Table 4.19-6, *Estimated Project Wastewater Generation* shows estimated wastewater generation for both Alternative A (existing General Plan) and the proposed project and indicates Alternative A wastewater generation would be approximately 3,911 AFY less than the project. However, both Alternative A and the project would have similar impacts concerning water consumption and wastewater generation since both would be required to demonstrate compliance with EMWD's Will-Serve process, in addition to existing laws, regulations, and General Plan policies pertaining to water and wastewater.

Draft EIR Table 4.19-7, *Estimated Annual Project Solid Waste Generation*, compares estimated solid waste generation under both scenarios and indicates the solid waste generation for Alternative A would be approximately 13,148 tons per year less than the proposed project; however, both Alternative A and the project would have similar impacts concerning solid waste generation since both would be accommodated by existing landfills.

Given that utility providers base their long-term planning upon the adopted General Plan, Alternative A would result in proportionately less impact concerning utilities and service systems than the project. Therefore, Alternative A would be environmentally superior to the project concerning the utilities and services system.

Wildfire

Both Alternative A and the project would be in or near a State Responsibility Area and/or lands classified Very High Fire Hazard Severity Zone. However, neither Alternative A nor the project would be anticipated to impair an adopted emergency response plan or emergency evacuation plan. The potential to impair an adopted emergency response plan or emergency evacuation plan would be addressed on a project-by-project basis for future development within the project area, and conditions of approval and/or mitigation would be imposed on proposed projects to address any potential impacts as necessary. Future development under both Alternative A and the project would be required to comply with the established regulatory framework to



reduce fire risk to people or structures, and any temporary or ongoing impacts to the environment which would reduce any potential impacts to less than significant levels.

Alternative A would be neither environmentally superior nor inferior to the proposed project concerning wildfire.

Relationship To The Project Objectives

Alternative A would meet the following two of the twelve project objectives:

- Encourage commercial development near intersections and clustered, as opposed to strip or piecemeal development spread along the Grand Avenue corridor.
- Promote more intense commercial/industrial areas to support the increased residential densities).

10.2 ALTERNATIVE B: NO HIGHWAY 79 POLICY AREA ALTERNATIVE

DESCRIPTION

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.

It is noted that even though this alternative would result in less residential development, the construction footprint is assumed to be the same because construction crews utilize the entire site for staging and laydown, temporary access, or other such uses which still require grading. Therefore, development under Alternative B would occur within the same footprint, as the project. Alternative B would require the same discretionary actions as noted for the project. It is assumed that a Mitigation Program like what is proposed for the project would be required for Alternative B. Although the nature of the mitigation would be similar, the mitigation requirements may be reduced because Alternative B involves less development.

FINDING

For the reasons set forth below and more fully described in Final EIR and in the record of proceeding, the Board of Supervisors finds that Alternative B is undesirable because it does not accomplish the project objectives at the same degree as the proposed project.

RATIONALE

Alternative B is found to be environmentally superior to the proposed project because it would result in impacts that are less than or equal to those of the proposed project. Alternative B would also meet all ten project objectives, except to a lesser degree, given that fewer housing variety and less housing density would occur.

Aesthetics/Light and Glare

Under Alternative B, the project area would continue to be a mix of residential, commercial, and industrial uses. Approximately nine percent fewer dwelling units would be developed, which would decrease potential light and glare impacts, and may result in fewer impacts to scenic highways, scenic resources, residential properties' exposure to unacceptable light levels, and interference with nighttime use of the Mt. Palomar Observatory. Like the project, compliance with the established regulatory framework is anticipated to reduce



aesthetic impacts to less than significant. The project's proposed design guidelines which will encourage a "sense of place" in the area through optimal building configuration, architectural design, and coordinated streetscape development would be implemented under Alternative B.

Alternative B would be environmentally superior to the project concerning aesthetics, given it would involve less residential development and associated aesthetic/light and glare impacts than the project.

Agriculture and Forestry Resources

Alternative B would involve the same land use designation modifications and development footprint as the project. Thus, under Alternative B, redesignation and conversion of Important Farmland, including land under Williamson Act contracts, would still occur. Like the project, Alternative B would not convert any forestland or timberland. Given the fact that nine percent less residential development would occur, conflicts between agricultural and residential land uses would be proportionately less under Alternative B, and may result in less residential development within 300 feet of agricultural uses.

Alternative B would be environmentally superior to the proposed project concerning agricultural resources, given proportionately less indirect effects (e.g., conflict with an existing Williamson Act Contract) would occur.

Air Quality

Alternative B would result in nine percent less residential development than the project, resulting in proportionately less construction maximum daily emissions and construction duration. Therefore, construction-related air quality impacts would be less when compared to the project though, given the order of magnitude, would remain significant and unavoidable.

Alternative B's operational emissions would also be less than the project. Alternative B would generate fewer trips since it would decrease the amount of residential development. However, Alternative B would not reduce stationary emission sources from mechanical equipment (e.g., HVAC units) or landscaping equipment for site maintenance. Therefore, although Alternative B would result in slightly reduced operational air quality impacts, impacts would remain significant and unavoidable.

Alternative B would be environmentally superior to the project, given less construction and operations emissions would be generated.

Biological Resources

The Alternative B and project footprint would be the same; thus, Alternative B's biological resource impacts would be the same as the project. Upon compliance with current regulatory requirements and required mitigation measures, impacts to biological resources would be less than significant.

Alternative B would be neither environmentally superior nor inferior to the proposed project, given the same footprint would occur and thus the same biological resource impacts would occur.

Cultural Resources

Both Alternative B and the project would anticipate future development on existing vacant land and infill and redevelopment sites. Therefore, potential impacts to known or unknown/undiscovered historical, archaeological, paleontological, and tribal cultural resources would be similar under both development scenarios. Although Alternative B would decrease residential development by nine percent, the potential to uncover unknown/undiscovered resources remains the same. Impacts related to cultural and tribal cultural



resources under this Alternative as well as the project would be less than significant with adherence to existing regulations and mitigation measures.

Alternative B would be neither environmentally superior nor inferior to the proposed project.

Energy

Alternative B would result in proportionately less construction energy demand, given nine percent fewer dwelling units would be constructed as well as a lower amount of non-residential would be developed. Similarly, Alternative B would result in less operational energy demand than the project due to the reduced amount of overall development that would occur.

Alternative B would be environmentally superior to the project, given less construction and operational energy demand would occur.

Geology and Soils

Geology and soil impacts under Alternative B would be similar to the project because it would be occur within the same footprint and under the same geologic unit and soil conditions. The potential exposure to seismic ground shaking, fault rupture, liquefaction, or collapse would be less, given nine percent fewer dwelling units would be built, thus exposing fewer persons to these potential hazards. Future development under both Alternative B and the project would be required to comply with California Building Code and Zoning Code standards and applicable construction and operational BMPs to reduce impacts related to geologic hazards.

Alternative B would be environmentally superior to the project, given fewer people would be exposed to potential geologic and seismic hazards.

Greenhouse Gas Emissions

Under Alternative B, non-residential development would remain less than the project and residential development would be reduced by nine percent. Both Alternative B and the project would result in direct construction-related GHG emissions. The approximate quantity of daily GHG emissions generated by construction equipment would be less under Alternative B than the project, given that fewer dwelling units would be constructed.

Operational emission sources include energy, vehicles, waste, water, and wastewater. Under Alternative B, less residential development would occur, resulting in fewer daily vehicle trips and associated emissions than the project. Therefore, Alternative B's GHG emissions would be similar or slightly less when compared to the project. Despite the slight reduction in GHG emissions, GHG emissions impacts would likely remain significant and unavoidable.

Alternative B would be environmentally superior to the project, given less GHG emissions would occur from construction and operations.

Hazards and Hazardous Materials

Alternative B impacts related to hazards and hazardous materials would be the same as the project because Alternative B would be developed in the same footprint. No site within the project area is on the Cortese list of hazardous materials sites. Alternative B and the project are both not anticipated to increase exposure to airport hazards, affect aircraft operations, or create an airport safety hazard for residents following review/approval by the Riverside County Airport Land Use Commission. Under either scenario, development



would be required to comply with local, State and Federal regulatory requirements regarding the use, disposal, and transport of hazardous materials.

Alternative B would be neither environmentally superior nor inferior to the proposed project.

Hydrology and Water Quality

Hydrology and water quality impacts associated with this Alternative would be similar to that of the project. While this Alternative would result in nine percent less residential dwellings, all future development would be subject to applicable stormwater and water quality requirements per the applicable Regional Water Quality Board. Future development would also be required to comply with all necessary General Plan goals and policies and County Ordinances related to hydrology and water quality.

Alternative B would be neither environmentally superior nor inferior to the project.

Land Use and Relevant Planning

As with the project, Alternative B would not physically divide an established community. Neither Alternative B or the project would introduce any roadways or infrastructure that would bisect or transect the existing neighborhoods.

Future development facilitated by either Alternative B or the project would be required to demonstrate consistency with the County's General Plan and Zoning Code standards, including plans and policies adopted for the purpose of minimizing an environmental effect. The nine percent reduction would not eliminate the proposed project's inconsistency with the SCAG RTP/SCS goals in place related to agricultural resources and air quality. Thus, Alternative B would be neither environmentally superior nor inferior to the proposed project.

Mineral Resources

Neither Alternative B or the project would result in the loss of availability of a known mineral resource of regional or statewide significance, given the absence of known or inferred significant mineral resources. Neither Alternative B or the project would result in the loss of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

Alternative B would be neither environmentally superior nor inferior to the proposed project concerning mineral resources given none are present in the project area.

Noise

During construction under Alternative B, construction noise levels would be similar as the project, though may be proportionately less given less residential development would occur. The types of equipment and the daily use of the equipment under Alternative B is anticipated to be similar to that of the project. Construction noise that complies with the required construction hours is exempt from the County's noise standards. Therefore, construction-related noise impacts would be the same under Alternative B and the project.

Operational noise impacts under Alternative B would be less compared to the project because less residential development could occur. Operational mobile noise from vehicle trips would be less because fewer vehicle trips would be generated under Alternative B than the project. Operational stationary noise sources (e.g., HVAC units and landscaping equipment) would be slightly decreased under Alternative B because less



residential development would occur. Therefore, operational noise impacts would be less than the project but would remain significant and unavoidable.

Alternative B would be environmentally superior to the project, given a reduction in operational noise would occur.

Population and Housing

Future development associated with the proposed project is not anticipated to induce substantial unplanned population growth, either directly or indirectly. Alternative B would result in a similar amount of development as the proposed project; however, residential development would be reduced by nine percent. Both Alternative B and proposed project would result in a less than significant impact regarding population and housing. However, Alternative B would be environmentally superior to the project, given less residential development would occur resulting in less population and housing impacts.

Public Services

Alternative B would result in nine percent less residential development, resulting in less need for construction of new or expanded public service facilities. Alternative B would result in a similar amount of development as the proposed project; however, residential development would be reduced by nine percent. Both Alternative B and proposed project would result in a less than significant impact regarding population and housing. However, Alternative B would be environmentally superior to the project, given less residential development would occur resulting in less demand on public services.

Recreation

Alternative B facilitates 6,092 fewer DU (approximately nine percent) less than the project, resulting in less demand for parkland. Like the project, Alternative B could meet demands through construction of additional park, payment of in-lieu fees, or a combination of both. Additionally, given that park service providers base their long-term planning upon the adopted General Plan, Alternative B would not result in additional impacts concerning recreation.

Alternative B would be environmentally superior to the project, given less residential development would occur resulting in less demand on recreation.

Transportation

Alternative B facilitates approximately 6,092 fewer dwelling units (approximately nine percent) less than the project but maintains the same non-residential SF. Therefore, traffic generation associated with Alternative B would be less than the project. Other transportation impacts (e.g., hazardous geometric design, need for new or altered maintenance of roads, circulation impacts during construction, inadequate emergency access, or construction or expansion of bike lanes) would be proportionately less than the project given less traffic would occur under Alternative B.

Alternative B would be environmentally superior to the project. Significant unavoidable transportation impacts due to conflict or inconsistencies with State CEQA Guidelines § 15064.3 (b) would not occur as fewer residential development would occur and VMT thresholds would not be exceeded.



Tribal Cultural Resources

Both Alternative B and the project would anticipate future development on existing vacant land and infill and redevelopment sites. Therefore, potential impacts to known or unknown/undiscovered historical, archaeological, paleontological, and tribal cultural resources would be similar under both development scenarios. Although, Alternative B would decrease residential development by nine percent, the potential to uncover unknown/undiscovered resources remains the same. Impacts related to cultural and tribal cultural resources under this Alternative as well as the project would be less than significant with adherence to existing regulations and mitigation measures.

Alternative B would be neither environmentally superior nor inferior to the proposed project.

Utilities/Service Systems

Alternative B facilitates a lesser amount of residential development than the project, resulting in less demand for new or expanded utilities and service systems. Additionally, given that utility providers base their long-term planning upon the adopted General Plan, Alternative B would result no additional impacts as the General Plan's buildout scenario has already contemplated nine percent less residential development for the area.

Alternative B would be environmentally superior to the project, given less unplanned population growth and proportionately less unplanned demand on utilities and service systems would occur.

Wildfire

Wildfire impacts would be the same under Alternative B and the proposed project, except that proportionately fewer structures and people would be exposed to potential wildfire hazards under Alternative B due to the nine percent required reduction in dwelling units. Potential impacts associated with Alternative B and the project would be less than significant.

Alternative B would be environmentally superior to the project, given that proportionately fewer people would be exposed to wildfire hazards.

RELATIONSHIP TO THE PROJECT OBJECTIVES

Alternative B would meet all the project objectives, except to a lesser degree, given that fewer housing variety and less housing density would occur.

10.3 ALTERNATIVE C: NO HIGHWAY 79 POLICY AREA ALTERNATIVE OUTSIDE WINCHESTER POLICY AREA

DESCRIPTION

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.

FINDING

For the reasons set forth below and more fully described in Final EIR and in the record of proceeding, the Board of Supervisors finds that Alternative B is undesirable because it does not accomplish the project objectives to the same degree as the proposed project.



RATIONALE

Alternative C is found to be environmentally superior to the proposed project because it would result in impacts that are less than or equal to those of the proposed project. Alternative C would also meet all ten project objectives, except to a lesser degree, given that fewer housing variety and less housing density would occur.

Aesthetics

Under Alternative C, the project area would continue to be a mix of residential, commercial, and industrial uses. Fewer dwelling units would be developed, which would decrease potential light and glare impacts, and may result in fewer impacts to scenic highways, scenic resources, residential properties' exposure to unacceptable light levels, and interference with nighttime use of the Mt. Palomar observatory. Like the project, compliance with the established regulatory framework is anticipated to reduce aesthetic impacts to less than significant. The proposed project's proposed design guidelines that encourage a "sense of place" in the area through optimal building configuration, architectural design, and coordinated streetscape development would still be implemented under Alternative C.

Alternative C would be environmentally superior to the project concerning aesthetics, given it would involve less residential development and associated aesthetic impacts than the project.

Agriculture and Forestry Resources

Alternative C would involve the same land use modifications as the project, thus, under Alternative C, redesignation and conversion of Important Farmland, including land under Williamson Act contracts, would still occur. Like the project, Alternative C would not convert any forestland or timberland. Given the fact that less residential development would occur, conflicts between agricultural and residential land uses would be proportionately less under Alternative C, and may result in less residential development within 300 feet of agricultural uses.

Alternative C would be environmentally superior to the proposed project concerning agricultural resources, given proportionately less indirect effects would occur.

Air Quality

Alternative C would result less residential development than the project, resulting in proportionately less construction maximum daily emissions and construction duration. Therefore, construction-related air quality impacts would be less when compared to the project though, given the order of magnitude, would remain significant and unavoidable.

Alternative C's operational emissions would be less than the project. Alternative C would generate fewer trips since it would decrease the amount of residential development. However, Alternative C would not reduce stationary emission sources from mechanical equipment (e.g., HVAC units) or landscaping equipment for site maintenance. Therefore, Alternative C operational air quality impacts would be slightly less than the proposed project but would remain significant and unavoidable.

Alternative C would be environmentally superior to the project, given less construction and operations emissions would be generated.



Biological Resources

The Alternative C and project footprint would be the same; thus, Alternative C's biological resource impacts would be the same as the project and the same mitigation program would apply. As with the project, potential impacts associated with Alternative C would be mitigated to a less than significant level.

Alternative C would be neither environmentally superior nor inferior to the proposed project, given the same footprint would occur and thus the same biological resource impacts would occur.

Cultural Resources

As with the project, no impact to historic resources is anticipated to occur under this alternative. Any site disturbance associated with the project or Alternative C could impact archaeological resources, as well as human remains, if present. However, compliance with the existing Federal, State and local regulatory framework as well as General Conditions of Approval and Mitigation Measures, any associated impacts would be reduced to less than significant levels for both the project and Alternative C.

Alternative C would be neither environmentally superior nor inferior to the proposed project.

Energy

Construction (fuel and material) and operational building energy consumption would be similar to the proposed project. However, due to the reduced trip generation that would occur as a result of Alternative C, operational fuel consumption associated with Alternative C would decrease. Thus, Alternative C is considered environmentally superior to the proposed project regarding energy consumption.

Geology and Soils

Under both development scenarios, potential new development would result in a larger number of structures/people potentially exposed to substantial adverse effects associated with severe ground shaking, soil erosion, or ground failure. Alternative C would reduce the number of residential dwelling units that would be built, thus exposing fewer persons to these potential hazards. However, such impacts associated with either the Alternative C or the project would be less than significant by adherence to and/or compliance with the California Building Code, Municipal Code requirements.

Alternative C would be environmentally superior to the project, given fewer people would be exposed to potential geologic and seismic hazards given the reduced residential development potential.

Greenhouse Gas Emissions

Both Alternative C and the project would result in direct construction-related GHG emissions once future development occurs. The approximate quantity of daily GHG emissions generated by construction equipment is anticipated to be lower under Alternative C than the project, given that fewer dwelling units would be constructed.

Operational emission sources include energy, vehicles, waste, water, and wastewater. Under Alternative C, less residential development would occur, resulting in fewer daily vehicle trips and associated emissions than the project. Therefore, Alternative C's GHG emissions would be similar or slightly less when compared to the project; however, GHG emissions impacts would remain significant and unavoidable.

Alternative C would be environmentally superior to the project, given less GHG emissions would occur from construction and operations.



Hazards and Hazardous Materials

Implementation of Alternative C or the project would potentially result in the expansion or development of facilities that could impact the health and safety of residents and employees within the project area. Compared to the project, this Alternative would reduce residential development potential. However, new development under either scenario would be subject to existing regulations, standards, and procedures mandated by applicable local, State, and Federal laws and regulations. Compliance with these regulatory requirements would ensure risks related to hazards and hazardous materials during construction and operational activities of new projects are reduced to less than significant levels. Thus, this Alternative is considered neither environmentally superior nor inferior to the proposed project.

Hydrology and Water Quality

Both Alternative C and the project would anticipate new development of vacant land or redevelopment of existing uses, potentially resulting in hydrology, drainage, or water quality impacts. Development under both scenarios would be required to comply with applicable stormwater and water quality requirements in accordance with the applicable RWQCB, such as obtaining applicable construction permits, implementing a Water Quality Management Plan and/or Stormwater Pollution Prevention Plan and associated best management practices. Overall, development in accordance with this Alternative and the project would be required to comply with the same regulatory requirements to minimize hydrology and water quality impacts. As such, Alternative C is considered neither environmentally superior nor inferior to the General Plan Update in this regard.

Land Use and Planning

As with the project, Alternative C would not physically divide an established community. Neither Alternative C nor the project would introduce any roadways or infrastructure that would bisect or transect the existing neighborhoods.

Future development facilitated by either Alternative C or the project would be required to demonstrate consistency with the General Plan, including plans and policies adopted for the purpose of minimizing an environmental effect. However, Alternative C would not eliminate the proposed project's inconsistency with the SCAG RTP/SCS goals in place related to agricultural resources and air quality.

Alternative C would be neither environmentally superior nor inferior to the proposed project in this regard.

Mineral Resources

Neither Alternative C or the project would result in the loss of availability of a known mineral resource of regional or statewide significance, given the absence of known or inferred significant mineral resources in the project area. Neither Alternative C or the project would result in the loss of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

Alternative C would be neither environmentally superior nor inferior to the proposed project concerning mineral resources given none are present in the project area.

Noise

During construction under Alternative C, construction noise levels would be similar as the project, though may be proportionately less given less residential development would occur. The types of equipment and the daily use of the equipment under Alternative C is anticipated to be the same as the project. Construction



noise that complies with the required construction hours is exempt from the County's noise standards. Therefore, construction-related noise impacts would be the same under Alternative C and the project.

Operational noise impacts under Alternative C would be less compared to the project because less residential development could occur. Operational mobile noise from vehicle trips would be less because fewer vehicle trips would be generated under Alternative C than the project. Operational stationary noise sources (e.g., HVAC units and landscaping equipment) would be slightly decreased under Alternative C because less residential development would occur. Therefore, operational noise impacts would be less than the project though would remain significant and unavoidable.

Alternative C would be environmentally superior to the project, given less operational noise would occur.

Population and Housing

Alternative C facilitates fewer dwelling units than the project, resulting in proportionately less population growth. Alternative C would also induce less unplanned population growth, since a lower number of dwelling units would be built beyond what was anticipated in the General Plan. Under both development scenarios, related impacts are anticipated to be less than significant.

Alternative C would be environmentally superior to the project, given less unplanned population growth would occur.

Public Services

Alternative C would result in four percent less residential development, resulting in proportionately less need for construction of new or expanded public service facilities. Additionally, given that public service providers base their long-term planning upon the adopted General Plan, Alternative C would result in proportionately fewer impacts concerning public services.

Alternative C would be environmentally superior to the project, given less unplanned population growth and proportionately less unplanned demand on public services would occur.

Recreation

Alternative C facilitates 2,579 fewer DU (approximately four percent) less than the project, resulting in proportionately less population growth and proportionately less demand for parkland. Like the project, Alternative C could meet demands through construction of additional park, payment of in-lieu fees, or a combination of both. Additionally, given that park service providers base their long-term planning upon the adopted General Plan, Alternative C would result in proportionately fewer impacts concerning recreation than what was previously anticipated.

Alternative C would be environmentally superior to the project, given less unplanned population growth and proportionately less unplanned demand on recreation would occur.

Transportation

Alternative C facilitates 2,579 fewer DU (approximately four percent) less than the project but maintains the same non-residential SF. Therefore, traffic generation associated with Alternative C would be less than the project. Other transportation impacts (e.g., hazardous geometric design, need for new or altered maintenance of roads, circulation impacts during construction, inadequate emergency access, or construction or expansion of bike lanes) would be proportionately less than the project given less traffic would



occur under Alternative C. Conflict with a program plan, ordinance, or policy addressing the circulation system would be similar to the project, given the magnitude of buildout under Alternative C and the project.

Alternative C would be environmentally superior to the project, given less VMT and other transportation related impacts would occur.

Tribal Cultural Resources

The Alternative C and project footprint would be the same; thus, tribal cultural resource impacts under Alternative C would be the same as the project and the same mitigation program would apply. As with the project, potential impacts associated with Alternative C can be mitigated to a less than significant level through implementation of the established regulatory framework, general conditions of approval and mitigation measures.

Alternative C would be neither environmentally superior nor inferior to the proposed project, given the same footprint would occur and thus the same tribal cultural resource impacts would occur.

Utilities/Service Systems

Alternative C facilitates 2,579 fewer DU (approximately four percent) less than the project, resulting in proportionately less demand for new or expanded utilities and service systems. Additionally, given that utility providers base their long-term planning upon the adopted General Plan, Alternative C would result in proportionately fewer impacts concerning utilities and service systems.

Alternative C would be environmentally superior to the project, given less unplanned population growth and proportionately less unplanned demand on utilities and service systems would occur.

Wildfire

Wildfire impacts would be the same under Alternative C as the project, except that proportionately fewer residential structures and people would be exposed to potential wildfire hazards. As with the project, potential impacts associated with Alternative C would be less than significant.

Alternative C would be environmentally superior to the project, given proportionately fewer people and residential structures would be exposed to wildfire hazards.

RELATIONSHIP TO THE PROJECT OBJECTIVES

Alternative C would meet all the project objectives, except to a lesser degree, given that less housing variety and less density would occur.

10.4 ALTERNATIVE D: NO COMPONENT FOUNDATION CHANGE ALTERNATIVE

DESCRIPTION

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.

Under Alternative D, development would occur generally within the same footprint as the project, except that under Alternative D, no proposed Foundation Component or standard land use designation amendments



would occur. As such, those parcels identified by the project for Foundation Component amendments would remain the same as currently designated by the General Plan and as analyzed by the General Plan EIR.

For all resource areas, impacts within the Highway 79 PA would be the same under Alternative D as the project, since the nine percent residential unit restriction would still be lifted. Therefore, the below analysis focusses on changes within the Winchester PA, as compared to the project. Alternative D's footprint would be approximately 2.4 percent (approximately 550 acres) less than the Winchester PA.

FINDING

For the reasons set forth below and more fully described in Final EIR and in the record of proceeding, the Board of Supervisors finds that Alternative B is undesirable because it does not accomplish the project objectives to the same degree as the proposed project.

RATIONALE

Implementation of this alternative would reduce significant and unavoidable impacts to agriculture/land use to levels that are less than significant. However, it would not improve upon any of the other significant impacts. Additionally, Alternative D would result in larger impacts related to Aesthetics and Transportation. Alternative D would meet all ten of the project objectives, but to a lesser degree than the proposed project, given that less housing variety and less density would occur.

Aesthetics

Impacts within the Winchester PA would be proportionately greater under Alternative D because the proposed project's design guidelines encouragement of a "sense of place" in the area through optimal building configuration, architectural design, and coordinated streetscape development would not be implemented. Therefore, impacts to aesthetics would be similar or slightly greater when compared to the project but still less than significant.

Alternative D would be environmentally inferior to the project concerning aesthetics, given the proposed project's design guidelines, a beneficial impact, would not occur.

Agriculture and Forestry Resources

Under Alternative D, no changes to those parcels identified by the project for Foundation Component amendments would occur in the Winchester PA and impacts to agricultural resources of the Winchester PA would occur, though to a lesser degree than under the project. Alternative D would directly or indirectly convert Prime Farmland and would result in residential uses within 300 feet of agricultural uses which could result in additional indirect effects, though to a lesser degree than the project. Impacts concerning conversion of Important Farmland and Williamson Act contract land would continue, as development occurs according to the General Plan, however, impacts would be less than the project given no redesignation of Important Farmland would occur. There are no designated forest lands or timberland in the project area; therefore, as with the project, no impact would occur in this regard.

Alternative D would be environmentally superior to the project, given Williamson Act land would be converted. Alternative D would reduce significant and unavoidable agricultural resources impacts found under the project to levels that are less than significant under this alternative.



Air Quality

Alternative D would result in 28 percent greater non-residential square footage and nine percent fewer dwelling units than the project. Construction emissions cannot be calculated for future development under either Alternative D or the project, given the high-level planning nature of a General Plan, thus, it is unknown whether construction emissions would be greater compared to the project. It is noted that, given the order of magnitude of both the project and Alternative D, and that a variety of uses, site plans, and project design features could be implemented on a project-by-project basis, Alternative D could result in greater or lesser construction and operations emissions. At this programmatic level, it is assumed that construction and operations of 7,529,665 SF of non-residential development and 6,480 fewer DU would result in approximately equivalent air quality emissions and associated impacts.

Alternative D would be neither environmentally superior nor inferior to the proposed project concerning air quality. At this programmatic level, emissions under Alternative D would be the same order of magnitude compared to the project.

Biological Resources

Biological resource impacts are primarily dependent upon the construction and operations footprint of each future development. Future development would result in direct and indirect impacts to biological resources. Alternative D would be developed within a smaller footprint compared to the project and no additional biological resource impacts would occur beyond what was previously analyzed by the General Plan. Alternative D and the project would be subject to the same Federal, State and local regulatory framework which would reduce potential impacts to less than significant levels.

Alternative D would be environmentally superior to the proposed project concerning biological resources, given Alternative D's footprint is smaller than the project.

Cultural Resources

Cultural resource impacts are primarily dependent upon the construction and operations footprint of each development. Under Alternative D, development would occur in accordance with existing General Plan Land Use Designations and densities, as previously analyzed, for those parcels identified by the project for Foundation Component amendments. Development would result in direct and indirect impacts to cultural resources. However, as with the project, Alternative D would be required to comply with the regulatory framework, general conditions of approval and mitigation measures identified for reducing impacts to less than significant levels.

Alternative D would be environmentally superior to the proposed project given Alternative D's footprint is smaller than the project.

Energy

Alternative D would result in greater non-residential development, but less residential development compared to the project. It is noted that, given the order of magnitude of both the project and Alternative D, and that a variety of uses, site plans, and project design features could be implemented on a project-by-project basis, Alternative D could result in greater or lesser energy demand. At this programmatic level, it is assumed that construction and operations of 7,529,665 SF greater of non-residential development but 6,480 fewer DU and would result in approximately equivalent energy demand.



Alternative D would be neither environmentally superior nor inferior to the proposed project concerning energy. At this programmatic level, energy demand under Alternative D would be the same order of magnitude compared to the project.

Geology and Soils

Impacts concerning geology, soils, seismicity, and paleontological resources are primarily dependent upon the construction and operations footprint of each development, as well as depth of excavation. Alternative D would be developed within a smaller footprint compared to the project. Impacts under Alternative D concerning geology, soils, seismicity, and paleontological resources would therefore be less compared to the project and the same mitigation program would be applicable. As with the project, potential impacts associated with Alternative D can be mitigated to a less than significant level.

Alternative D would be environmentally superior to the proposed project given Alternative D's footprint is smaller than the project.

Greenhouse Gas Emissions

Alternative D would result in 28 percent greater non-residential SF and nine percent fewer DU than the project. Construction emissions cannot be calculated for future development under either Alternative D or the project, given the high-level planning nature of a General Plan, thus, it is unknown whether construction emissions would be greater compared to the project. It is noted that, given the order of magnitude of both the project and Alternative D, and that a variety of uses, site plans, and project design features could be implemented on a project-by-project basis, Alternative D could result in greater or lesser construction and operations GHG emissions. At this programmatic level, it is assumed that construction and operations of 7,529,665 SF of non-residential development and 6,480 fewer DU would result in approximately equivalent GHG emissions and associated impacts.

Alternative D would be neither environmentally superior nor inferior to the proposed project concerning GHG. At this programmatic level, GHG emissions under Alternative D would be the same order of magnitude compared to the project.

Hazards and Hazardous Materials

Impacts related to hazards and hazardous materials associated with Alternative D would be greater than the proposed project because Alternative D would result in more non-residential development and less residential development than the project. Non-residential development can result in land uses, such as gas stations, commercial centers, and industrial sites, that are associated with greater routine transport, use, or disposal of hazardous materials, than residential development. More non-residential development under Alternative D could increase the chance of hazardous emissions production within 0.25-mile of an existing or proposed school, compared to the lower chance related to the lesser non-residential under the project. Neither Alternative D nor the project are anticipated to increase exposure to airport hazards, affect aircraft operations, or create an airport safety hazard for residents following review/approval by the Riverside County Airport Land Use Commission.

Alternative D would be environmentally inferior to the proposed project concerning hazards and hazardous materials, given Alternative D's greater amount of non-residential development and potential associated hazards and hazardous materials impacts, compared to the project.



Hydrology and Water Quality

The development footprint for Alternative D and the project would be the same. Construction resulting from Alternative D and project construction activities would potentially increase erosion and sediment, leading to increased stormwater runoff and water quality impacts. Both Alternative D and the project would increase impervious surface areas, decreasing water infiltration into groundwater basins and reducing groundwater recharge. Operations of 7,529,665 SF greater of non-residential development but 6,480 fewer DU could result in greater runoff and water quality impacts than the project, but this is speculative and thus, at the programmatic level, impacts are assumed to be the same as the project. Both Alternative D and the project would be required to adhere to all Federal, State, and local requirements, such as Riverside County's Stormwater/Urban Runoff Management and Discharge Ordinance and relevant BMPs, for avoiding and minimizing construction and operations impacts to detain and treat surface runoff and reduce water quality impacts to a less than significant level. Also, both Alternative D and the project would consider the Upper Santa Margarita Watershed Integrated Regional Water Management Plan (IRWMP) goals and objectives to avoid conflict with the Plan's implementation.

Therefore, Alternative D would be neither environmentally superior nor inferior to the proposed project, given that both Alternative D and the project involve similar hydrology and water quality impacts and associated mitigation measures.

Land Use and Planning

As with the project, Alternative D would not physically divide an established community. Neither Alternative D or the project would introduce any roadways or infrastructure that would bisect or transect the existing neighborhoods. Under Alternative D, the project area could continue to be developed consistent with the existing General Plan Land Use and Zoning Designations. This alternative would not require a General Plan Amendment or a zone change concerning the General Plan Land Use Designation and Foundation Component changes, but would still require a General Plan Amendment for Circulation Element amendments.

Therefore, Alternative D would be neither environmentally superior nor inferior to the proposed project concerning land use and planning, given no division of communities or conflict with policies to avoid an environmental effect would occur.

Mineral Resources

The development footprint for Alternative D would be approximately two percent smaller than the project. Neither Alternative D or the project would result in the loss of availability of a known mineral resource of regional or statewide significance, given the absence of known or inferred significant mineral resources. Neither Alternative D or the project would result in the loss of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

Therefore, Alternative D would be neither environmentally superior nor inferior to the proposed project concerning mineral resources, given no impact would occur under either the project or Alternative D.

Noise

During construction, construction noise and vibration levels under Alternative D would be approximately the same as those associated with the project implementation. The types of equipment and the daily equipment use is anticipated to be similar under both Alternative D and the project. Future development would comply with Riverside County's noise standards, Ordinance No. 847, and General Plan Policies N 12.1 through 12.4



to further reduce construction noise. Therefore, construction-related noise impacts would be the same under Alternative D and project implementation.

Operational noise impacts would be greater under Alternative D compared to the project because 28 percent more non-residential development and 17 percent less residential development would occur under Alternative D. Non-residential development could result in land uses such as shopping centers, industrial uses, etc., that produce more operational noise on average compared to residential uses. Mobile source noise (i.e., vehicle noise) is assumed to be approximately the same because Alternative D would result in 10,054 greater jobs but 18,464 fewer population. Operational noise sources from stationary sources (e.g., HVAC units and landscaping equipment) would be slightly greater under Alternative D as well because of the increased non-residential square footage. Thus, operational noise impacts would be greater under Alternative D compared to the project.

As with the project, Alternative D would involve development within the Airport Influence Areas of three airports. Both Alternative D and the project would be subject to compliance with the Riverside County Airport Land Use Compatibility Plan Policy Document's policies and development standards.

Therefore, Alternative D would be environmentally inferior to the proposed project concerning noise and vibration, given Alternative D's greater potential for operational noise generation compared to the project resulting from its greater non-residential development.

Population and Housing

Alternative D would result in buildout according to the existing General Plan (i.e., 17 percent fewer dwelling units and a 17 percent population decrease) compared to the proposed project; therefore, Alternative D would not induce substantial unplanned population growth. However, Alternative D would introduce 28 percent more non-residential land uses and 20 percent more jobs than the project, thus potentially inducing indirect population growth and increased housing demand through employment-generating land uses.

Therefore, Alternative D would be environmentally superior to the proposed project concerning population and housing, given Alternative D would facilitate development closer to the existing General Plan buildout projections.

Public Services

The project area currently contains agricultural, urbanized, and undeveloped lands. Alternative D and the proposed project both encourage additional development, including both residential and non-residential uses, on these lands. The increase of both infill development and new development, especially in underutilized lands, would proportionately increase the demand of public services (police, fire, schools, parks, and other public facilities) for under both Alternative D and the project. The County requires payment of planning and development service fees to support future services, which help the County to fund the provision of any necessary additions or alterations to public services. Thus, as with the project, impacts would be less than significant. However, given that public service providers base their long-term planning upon the adopted General Plan, Alternative D would result in proportionately fewer impacts concerning public services.

Therefore, Alternative D would be environmentally superior to the proposed project concerning public services, given Alternative D would facilitate development closer to the existing General Plan buildout projections.



Recreation

Fewer residences would proportionately decrease the use and need for recreational facilities, such as parks and trails. Alternative D would generate 17 percent fewer dwelling units and 17 percent smaller of a population size compared to the proposed project. Thus, Alternative D would require less construction or expansion of recreational facilities than the proposed project. Like the project, Alternative D could achieve the park requirement through the construction of additional parks, the payment of in-lieu fees, or a combination of both. Also, neither Alternative D or the project are in a Community Service Area that provides recreational services.

Therefore, Alternative D would be environmentally superior to the proposed project concerning recreation, given Alternative D would facilitate development closer to the existing General Plan buildout projections.

Transportation

Alternative D would increase the amount of new non-residential development, allowing up to approximately 34 million SF of non-residential development (an increase of 28 percent when compared to the project), and resulting in 60,213 jobs (an increase of 20 percent compared to the project). Increased non-residential development and employment opportunities could potentially increase VMT and thus contribute to traffic congestion. VMT has not been calculated for Alternative D, but may result in more or less VMT than the project. Both Alternative D and the project would require future development to comply with all applicable Riverside County Circulation Element policies and County Ordinances, as well as the service-provider's relevant facility design standards, concerning roads, emergency access, and bicycle infrastructure. Future development under both Alternative D and the project would also be subject to compliance with Ordinance No. 659, which requires payment of the appropriate Development Impact Fees set forth in the ordinance, to account for increased maintenance costs associated with new or altered roadway maintenance resultant of future development.

Therefore, Alternative D would be environmentally inferior to the project concerning transportation, due to the incremental increase of VMT and traffic by Alternative D compared to the proposed project.

Tribal Cultural Resources

Tribal cultural resource impacts are primarily dependent upon the construction and operations footprint of each development. Under Alternative D, development would occur in accordance with existing General Plan Land Use Designations and densities. Development would result in direct and indirect impacts to tribal cultural resources. Alternative D would be developed within a smaller footprint compared to the project, as described above, except that Alternative D would result in approximately 550 acres less within non-residential areas.

Alternative D would be environmentally superior to the project concerning tribal cultural resources, given Alternative D's footprint is smaller than the project.

Utilities

Alternative D would result in 28 percent more non-residential uses and nine percent fewer residential units than the proposed project. However, utilities and services impacts cannot be calculated for future development under either Alternative D or the project, given the high-level planning nature of a General Plan. However, given that utility providers base their long-term planning upon the adopted General Plan, Alternative D would result in proportionately fewer impacts concerning utilities and service systems.



Therefore, Alternative D would be environmentally superior to the proposed project concerning the utilities and services system, given less unplanned population growth and proportionately less unplanned demand on utilities and service systems would occur.

Wildfire

Alternative D would result in the same footprint as the project; thus, wildfire impacts would be the same as the project, except that proportionately less people would be exposed to potential wildfire hazards, due to the resulting nine percent population decrease by Alternative D compared to the project. As with the project, potential impacts associated with Alternative D would be less than significant.

Alternative D would be environmentally superior to the project, given proportionately fewer people would be exposed to wildfire hazards.

RELATIONSHIP TO THE PROJECT OBJECTIVES

Alternative D would meet all the project objectives, except to a lesser degree, given that less housing variety and less density would occur.

11 GROWTH-INDUCING IMPACTS

State CEQA Guidelines Section 15126.2(e) requires that an EIR discuss a project's potential to foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. The State CEQA Guidelines also indicate that it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment. This section analyzes such potential growth-inducing impacts, based on criteria suggested in the State CEQA Guidelines.

In general terms, a project may foster spatial, economic, or population growth in a geographic area if it meets any one of the following criteria:

- Removes an impediment to growth (e.g., establishes an essential public service or provides new access to an area)
- Fosters economic expansion or growth (e.g., changes revenue base, expands employment)
- Fosters population growth (e.g., constructs additional housing), either directly or indirectly
- Establishes a precedent-setting action (e.g., an innovation, a change in zoning, or a general plan amendment approval)
- Develops or encroaches on an isolated or adjacent area of open space (distinct from an infill type of project)

Should a project meet any one of the above-listed criteria, it may be considered growth inducing. The potential growth-inducing impacts of the proposed project are evaluated against these five criteria in this section.

State CEQA Guidelines Section 15126.2(e) requires that an EIR “discuss the ways” a project could be growth inducing and “discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.” However, the State CEQA Guidelines do not require that an EIR predict (or speculate) specifically where such growth would occur, in



what form it would occur, or when it would occur. The answers to such questions require speculation, which CEQA discourages (see State CEQA Guidelines Section 15145). The project's growth-inducing impacts are discussed in Draft EIR Section 6.0, *Other CEQA Considerations*.

REMOVAL OF AN IMPEDIMENT TO GROWTH

Future development facilitated by the proposed project would increase demands for public services (i.e., fire and sheriff protection, schools, parks and recreational facilities, and libraries) and utility and service systems (water, wastewater, stormwater, and solid waste). The project area is already served by essential public services and utilities; refer to Draft EIR Section 4.15 and 4.19. Therefore, impacts would be less than significant. Future individual developments would negotiate cooperative agreements between service agencies/utility providers to address the project's incremental increased demands on public services and utilities. The County's existing network of utilities and service systems, including fire, sheriff, water, wastewater, and solid waste services, would be able to accommodate the anticipated growth and would not need to be upgraded or expanded. Thus, project implementation would not result in a removal of an impediment to growth by establishing an essential public service or utility or service system.

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 Draft EIR 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 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.

PUBLIC SERVICES

The project area is in a predominately rural area, although public services, recreational facilities, and utilities and service systems are currently provided. As concluded in Draft EIR Section 4.15, Section 4.16, and Section 4.19, additional public services, recreational facilities, and utilities and service systems may be required to maintain desired levels of service. However, these new facilities are not anticipated to result potentially significant environmental impacts through compliance with existing Federal and State regulations, County policies, and Riverside County Ordinances. Therefore, the project is would not be considered growth-inducing concerning the expansion of public services.

ECONOMIC GROWTH

The project's goal is to encourage and promote economic development and revitalization to enhance the project area's attractiveness to the local and regional marketplace. The project would facilitate and encourage residential development and mixed-use opportunities, and an improved pedestrian environment. The project would also facilitate various transportation choices that take advantage of future and existing public transit systems.



Any future individual development resulting from project implementation would create construction-related jobs such as design, engineering, and construction. Although construction jobs are temporary, new development can also provide long-term employment opportunities. As new residential uses are developed and occupied, residents in the project area would seek shopping, entertainment, employment, home improvement, auto maintenance, and other services resulting in economic opportunities in Riverside County, including the project area. Additionally, businesses and services would serve residents, employees, and visitors in the project area, as well as adjacent cities and Riverside County as a whole. Because the project would decrease the Winchester PA's non-residential development capacity by approximately 7.5 million square feet, the project would not facilitate economic effects that could result in other activities that could significantly affect the environment. Therefore, the project would not be growth-inducing in this regard.

PRECEDENT-SETTING ACTION

The project would amend the Riverside County General Plan by proposing a series of land use changes and policy updates; refer to Draft EIR Section 3.3. 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. The project also proposes the creation of new Design Guidelines for the Winchester Policy Area. The approval of these discretionary actions would not set a precedent that would make it more likely for other projects in the County to gain approval of similar applications. For example, a future project requesting to redesignate or rezone a site would need to undergo the same environmental review as the proposed project and mitigate potentially significant environmental impacts on a project-level. Implementation of the proposed project would not establish a procedure that would make future re-designations and/or rezones easier and would be speculative to determine any such effect. As such, the proposed project would not involve a precedent-setting action that could significantly affect the environment.

DEVELOPMENT OR ENCROACHMENT OF OPEN SPACE

Although open space uses are present within the project area and nearby, these uses are designated as such and the project would not result in the development or encroachment into any areas of existing open space. In fact, as discussed in Draft EIR Table 3-1, the project would result in an overall increase of Open Space Foundation Component land uses within the project area. Therefore, the proposed project would not be growth-inducing with respect to development or encroachment into an isolated or adjacent area of an existing open space.

SUMMARY

Overall, the project would not result in significant growth-inducing impacts with the respect of removing of an impediment to growth, public services, economic growth, establishing a precedent-setting action, or development or encroachment onto open space.

12 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to PRC Section 21081(b) and State CEQA Guidelines Section 15093(a) and (b), the Board of Supervisors is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of the project, including regionwide or statewide environmental benefits, outweigh the unavoidable adverse environmental effects, those effects may be considered "acceptable" (State CEQA Guidelines Section 15093[a]). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially



lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (State CEQA Guidelines Section 15093[b]).

In accordance with the requirements of CEQA and the State CEQA Guidelines, the Board of Supervisors finds that the mitigation identified in the Final EIR and the MMRP, would avoid or substantially lessen most of the potentially significant environmental impacts of the project. However, project implementation would result in significant and unavoidable impacts to Agricultural Resources, Air Quality, Greenhouse Gases, Land Use, Noise and Transportation.

The Board of Supervisors finds that all feasible mitigation identified in the Final EIR within the purview of the County would be implemented with the project and that the remaining significant and unavoidable impacts are outweighed and are found to be acceptable because of the following specific overriding economic, legal, social, technological, or other considerations based on the facts set forth above, the Final EIR, and the record, as follows:

1. Riverside County and the surrounding Southern California area are currently experiencing a severe housing shortage, especially considering the existing jobs-to-housing imbalance. Increased residential development potential under the Winchester Community Plan will lead to construction of much-needed housing and increase the variety of housing options available, including incentives and requirements to build affordable units.
2. The Winchester Community Plan provides housing sites that would assist the County in meeting its RHNA 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 and its requirement for a 9% reduction for residential development.
3. The Winchester Community Plan promotes a variety of affordable and market-rate housing options close to commercial uses, to support a variety of life stages (from starter home to senior housing). The plan also ensures new development does not displace existing residents without proper relocation commitments.
4. The Winchester Community Plan promotes a more sustainable and balanced transportation network that includes walkable, bicycle-friendly environments with increased accessibility via transit, resulting in reduced transportation costs. Increased access to multimodal transportation systems gives individuals greater choice and control over their mobility.
5. The Winchester Community Plan creates a supportive environment for small and local businesses by placing residential uses within walking distance of existing and future commercial uses. This would promote a better jobs/housing balance for the area.
6. The Winchester Community Plan encourages 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.
7. 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 that would mitigate the significant and unavoidable adverse effects of the project and still meet the project objectives.
8. Future projects that occur within the Winchester Community Plan area will be reviewed based on the



Winchester Community Plan Design Guidelines, which provide direction for site design, architecture, streetscapes, bicycle and pedestrian facilities, signage, lighting, etc. This would ensure high quality development and compatibility with adjacent land uses and the overall character of the community.

9. The Winchester Community Plan establishes a VMT Mitigation Fee for new residential 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. These facilities would work towards relieving traffic congestion and improving transit travel times.

Considering all the factors, individually and collectively, the Board of Supervisors finds that any of the specific economic, legal, social, technological, and other considerations associated with the project serve to override and outweigh the Winchester Community Plan's significant and unavoidable impacts; thus, the adverse effects are considered acceptable. Therefore, the Board hereby adopts this Statement of Overriding Considerations.

MITIGATION MONITORING AND REPORTING PROGRAM

Project: Winchester Community Plan Project (GPA No. 1207)

MITIGATION MEASURE	VERIFICATION/TIMING	RESPONSIBLE PARTY	VERIFICATION OF COMPLIANCE
Aesthetics			
<p>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.</p>	<ul style="list-style-type: none"> • Prior to approval of final grading and building plans • Implemented during construction 	<ul style="list-style-type: none"> • County of Riverside (prior to construction) • Project Applicant and Contractor (during construction) 	
Air Quality			
<p>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.</p>	<ul style="list-style-type: none"> • During CEQA review 	<ul style="list-style-type: none"> • County of Riverside • Project Applicant 	
<p>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):</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). 	<ul style="list-style-type: none"> • During construction 	<ul style="list-style-type: none"> • County of Riverside • Project Applicant 	

MITIGATION MEASURE	VERIFICATION/TIMING	RESPONSIBLE PARTY	VERIFICATION OF COMPLIANCE
<ul style="list-style-type: none"> 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). 	<ul style="list-style-type: none"> During construction 	<ul style="list-style-type: none"> County of Riverside Project Applicant Construction Contractor 	
<p>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:</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. 	<ul style="list-style-type: none"> During construction 	<ul style="list-style-type: none"> County of Riverside Project Applicant Construction Contractor 	

MITIGATION MEASURE	VERIFICATION/TIMING	RESPONSIBLE PARTY	VERIFICATION OF COMPLIANCE
<ul style="list-style-type: none"> • 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 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 			

MITIGATION MEASURE	VERIFICATION/TIMING	RESPONSIBLE PARTY	VERIFICATION OF COMPLIANCE
<p>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>	<ul style="list-style-type: none"> • During Construction 	<ul style="list-style-type: none"> • County of Riverside • Project applicant • Construction Contractor 	
<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>	<ul style="list-style-type: none"> • Prior to construction • During construction 	<ul style="list-style-type: none"> • County of Riverside • Project applicant • Construction Contractor 	
<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 can be electrically operated shall use the electric utility rather than portable generators.</p>	<ul style="list-style-type: none"> • As soon as electric utilities are available at construction sites 	<ul style="list-style-type: none"> • County of Riverside • Project applicant • Construction Contractor 	
<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>	<ul style="list-style-type: none"> • Prior to issuance of grading/building permits 	<ul style="list-style-type: none"> • County of Riverside 	

MITIGATION MEASURE	VERIFICATION/TIMING	RESPONSIBLE PARTY	VERIFICATION OF COMPLIANCE
<p>Requirements under SCAQMD Jurisdiction (or the latest applicable standard if amended by SCAQMD):</p> <p>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.</p> <p>b) Proposed auto body repair services shall be sited at least 500 feet from existing sensitive land uses.</p> <p>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.</p> <p>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.</p> <p>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.</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>			

MITIGATION MEASURE	VERIFICATION/TIMING	RESPONSIBLE PARTY	VERIFICATION OF COMPLIANCE
<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>			
<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 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.</p>	<ul style="list-style-type: none"> • Prior to issuance of grading/building permits 	<ul style="list-style-type: none"> • County of Riverside 	
<p>Biological Resources</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</p>	<ul style="list-style-type: none"> • During CEQA review 	<ul style="list-style-type: none"> • County of Riverside • Project Applicant • Qualified Biologist 	

MITIGATION MEASURE	VERIFICATION/TIMING	RESPONSIBLE PARTY	VERIFICATION OF COMPLIANCE
<p>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> <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</p>	<ul style="list-style-type: none"> • During avian nesting season: surveys conducted twice per week for 3 weeks prior to construction • Outside of nesting season: surveys within 24 hours of construction 	<ul style="list-style-type: none"> • Project Applicant • Qualified Biologist 	

MITIGATION MEASURE	VERIFICATION/TIMING	RESPONSIBLE PARTY	VERIFICATION OF COMPLIANCE
<p>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 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>	<ul style="list-style-type: none"> • Prior to issuance of grading/construction permits 	<ul style="list-style-type: none"> • Project Applicant • Riverside County Ecological Resources Specialist 	
<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</p>	<ul style="list-style-type: none"> • No more than 30 days prior to ground disturbance • Prior to issuance of the first grading or building permits • Final report to be submitted within 14 days after survey completion 	<ul style="list-style-type: none"> • Project Applicant • Riverside County Planning Department • CA Department of Fish and Wildlife • Qualified Biologist 	

MITIGATION MEASURE	VERIFICATION/TIMING	RESPONSIBLE PARTY	VERIFICATION OF COMPLIANCE
<p>detail survey methods, transect width, duration, conditions, results of the survey, and any actions required to avoid impacts to burrowing owl.</p>			
<p>Cultural Resources</p> <p>CUL-1 If during ground disturbance activities, unanticipated cultural resources* are discovered, the following procedures shall be followed:</p> <p>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</p>	<ul style="list-style-type: none"> • During ground disturbing activities 	<ul style="list-style-type: none"> • Project Applicant • Construction Contractor • County Archaeologist • If applicable: Native American Monitor 	

MITIGATION MEASURE	VERIFICATION/TIMING	RESPONSIBLE PARTY	VERIFICATION OF COMPLIANCE
<p>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 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>	<ul style="list-style-type: none"> • During construction 	<ul style="list-style-type: none"> • Project applicant • Construction Contractor • Riverside County Coroner 	
<p>Greenhouse Gas Emissions</p>			
<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>	<ul style="list-style-type: none"> • Prior to issuance of grading/construction permits 	<ul style="list-style-type: none"> • County of Riverside Project Applicant 	
<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 or the appropriate CAP metric at the time of CEQA</p>	<ul style="list-style-type: none"> • Prior to issuance of grading/construction permits 	<ul style="list-style-type: none"> • County of Riverside Project Applicant 	

MITIGATION MEASURE	VERIFICATION/TIMING	RESPONSIBLE PARTY	VERIFICATION OF COMPLIANCE
<p>review. The point values within the CAP's Screening Tables constitute GHG emission reductions.</p>			
Hazards and Hazardous Materials			
<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>	<ul style="list-style-type: none"> • Prior to issuance of grading/building permits • During CEQA review 	<ul style="list-style-type: none"> • County of Riverside Project Applicant • Qualified Hazardous Materials Specialist 	
<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>	<ul style="list-style-type: none"> • Prior to Demolition Activities 	<ul style="list-style-type: none"> • County of Riverside Project Applicant • Qualified lead and ACMs specialist 	
Noise and Vibration			
<p>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</p>	<ul style="list-style-type: none"> • Prior to issuance of grading/building permit • BMPs implemented during construction 	<ul style="list-style-type: none"> • County of Riverside Project Applicant 	

MITIGATION MEASURE	VERIFICATION/TIMING	RESPONSIBLE PARTY	VERIFICATION OF COMPLIANCE
<p>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 County 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:</p> <ul style="list-style-type: none"> • 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. 		<ul style="list-style-type: none"> • Construction Contractor 	
<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</p>	<ul style="list-style-type: none"> • Prior to issuance of grading permit 	<ul style="list-style-type: none"> • County of Riverside • Project Applicant • Construction Contractor 	

MITIGATION MEASURE	VERIFICATION/TIMING	RESPONSIBLE PARTY	VERIFICATION OF COMPLIANCE
<p>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 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) 	<ul style="list-style-type: none"> • Monitoring and surveys prior to construction/pile driving operations • Restrictions and monitoring implemented during pile driving operations 	<ul style="list-style-type: none"> • County of Riverside • Project Applicant • Construction Contractor 	

MITIGATION MEASURE	VERIFICATION/TIMING	RESPONSIBLE PARTY	VERIFICATION OF COMPLIANCE
<p>Transportation and Construction Vibration Guidance Manual, dated September 2013.</p>			
<p>Transportation</p>			
<p>TRA-1 Prior to commencement of residential development within the Winchester PA and Highway 79 PA, 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 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.</p>	<ul style="list-style-type: none"> • Prior to issuance of residential building permits 	<ul style="list-style-type: none"> • County of Riverside 	
<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 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"> • Prior to construction activities • During construction 	<ul style="list-style-type: none"> • Contractor • County of Riverside 	

MITIGATION MEASURE	VERIFICATION/TIMING	RESPONSIBLE PARTY	VERIFICATION OF COMPLIANCE
<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 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. • 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 			

MITIGATION MEASURE	VERIFICATION/TIMING	RESPONSIBLE PARTY	VERIFICATION OF COMPLIANCE
<p>maintain existing traffic patterns and fulfill response route and access needs during project construction operations.</p> <ul style="list-style-type: none"> • 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. 			

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To: [Clerk of the Board](#)
Cc: aaron.adams@temeculaca.gov; kevin.hawkins@temeculaca.gov; [Luke Watson](#); [Matt Peters](#); [Ron Moreno](#); [Peter Thorson](#); [Van Wagenen, Jeffrey](#); [Perez, Juan](#); [Hildebrand, John](#); [Dan York](#); ckitzerow@cityofmenifee.us; mbassi@cityofwildomar.org; [Jason Simpson](#); dabraham@lake-elsinore.org; avilla@cityofmenifee.us; abrown@canyonlakeca.gov; KSummers@MurrietaCA.gov; DChantarangsu@MurrietaCA.gov
Subject: Comment Re: Winchester Community Plan and Final Environmental Impact Report (FEIR)
Date: Friday, October 11, 2024 3:35:19 PM
Attachments: [Letter to Kimberly Rector re Winchester Comm Plan 10-11-24.pdf](#)

CAUTION: This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Ms. Rector,

Attached please find correspondence from the City of Temecula for review. Hard copy to follow via mail.

Luisa Tovar

Executive Assistant

City of Temecula

(951) 694-6416

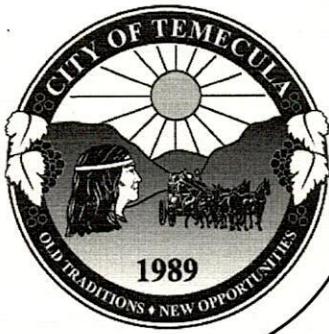
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City of Temecula

Community Development

41000 Main Street • Temecula, CA 92590
Phone (951) 694-6400 • TemeculaCA.gov

VIA E-MAIL AND FIRST-CLASS MAIL

October 11, 2024

Ms. Kimberly Rector
Riverside County Clerk of the Board
400 Lemon Street, 1st Floor
Riverside CA 92501

Subject: Winchester Community Plan and Final Environmental Impact Report (FEIR)

Dear Ms. Rector,

Thank you for the opportunity to comment on the Winchester Community Plan and FEIR. We appreciate the County's most recent efforts to meet with Temecula City Staff and Temecula City Council Members to summarize the Plan and address questions and concerns. As you are aware, the Winchester Community Plan (sometimes referred to as the "project") is of significant interest and concern to our residents and stakeholders given its proximity to Temecula and the potential impacts on our City's infrastructure and resources.

The City received notice of the FEIR and Response to our Comment Letter (No. 22) dated September 23, 2022. Unfortunately, the responses provided do not adequately address our concerns, especially the unstudied traffic and public safety impacts. As a result, the responses to comments and the FEIR as a whole do not comply with the California Environmental Quality Act (CEQA) and, specifically, CEQA Guidelines section 15088(c). We urge the County to conduct a comprehensive regional traffic analysis that evaluates the impacts on major thoroughfares running through the City, including but not limited to Interstates (I-15 and I-215), State Highways (HWY 79) and regional arterials/TUMF network facilities. Coordination on transportation planning from a regional perspective is essential to mitigate congestion, ensure public safety, advance economic development, and protect the quality of life for all residents in Temecula and the surrounding areas.

The City continues to have substantial concerns regarding the defects and inadequacies related to all other mandatory sections of this EIR required by CEQA, as outlined in our September 23, 2022 comment letter (attached as Exhibit A). As just one example, the EIR does not adequately analyze the impacts of traffic generated by the thousands of new homes to be built in the Plan Area. The EIR needs to study the traffic that will be generated by the new homes and identify the resulting road corridors that will be needed, and the mitigation for the design and construction of those roads. Individual

Ms. Kimberly Rector
Riverside County Clerk of the Board
October 11, 2024
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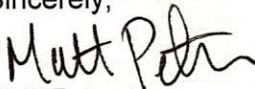
housing projects cannot be expected on their own to undertake this comprehensive traffic analysis for the entire Plan and to provide the tools to implement it. This is what Temecula and the County did in the 2005 Cooperative Agreement that the County has now ignored.

In addition, the City is requesting a full accounting and status of units and density by acreage in all County Policy Areas associated with the project, as well as the status on the completion and funding of all infrastructure as identified in Exhibit C of the Cooperative Agreement. The City's comment letter (Exhibit A), Cooperative Agreement (Exhibits B and C), and Settlement Agreement (Exhibit D) are attached for reference.

The City objects to any further County action on the Project, including any certification of the FEIR or approval of the Project, until a revised EIR addressing the City's concerns has been prepared and circulated for public review, and a status report on the Cooperative and Settlement Agreements has been provided by the County. More specifically, the City is respectfully requesting a minimum 12-18 month pause so that the City, County, and regional partners can work cooperatively and discuss specific regional traffic concerns with analyzed data and identify reasonable solutions and efforts that need to take place in advance of any potential approval of the Project.

Please also consider this to be a formal request under Public Resources Code section 21092.2(a) for all notices issued in connection with the project. Please direct all notices to me at matt.peters@temeculaca.gov

Sincerely,



Matt Peters
Director of Community Development

cc: Chuck Washington, County Supervisor (3rd District) – district3@rivco.org
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Ms. Kimberly Rector
Riverside County Clerk of the Board
October 11, 2024
Page 3

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Ms. Kimberly Rector
Riverside County Clerk of the Board
October 11, 2024
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Lisa DeForest, Council Member - ldeforest@MurrietaCA.gov

Attachments:

Exhibit A, September 23, 2022, City Comment Letter
Exhibit B, Cooperative Agreement
Exhibit C, Amendment No. 1 to the Cooperative Agreement
Exhibit D, Settlement Agreement

EXHIBIT “A”

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.

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").

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

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

- The City of Temecula has only recently been made aware of the Draft PEIR for the Winchester Community Plan, and has not received any of the required CEQA notices (such as Notice of Preparation (NOP) or Notice of Availability (NOA)/Notice of Completion (NOC)), nor any notices for the scoping meetings. Section 15086(c) of the CEQA Guidelines requires that the lead agency consult with local municipalities adjacent to the proposed project area. The Draft PEIR acknowledges the fact that the City is immediately adjacent to the southern boundary of the proposed community plan. Yet, there is no evidence that the County even attempted to comply in any respect with its obligations to include the City in this process.

Executive Summary/Introduction

Project Objectives

- 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

- 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

- 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

- 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

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

- 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

- 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

- 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 MTCO₂e 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

- 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

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

- 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

- 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

- 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

- 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

- 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

- 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

- 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

- 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

- 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

- 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

- 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

- 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

- 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

- 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.

Ms. Harper
September 23, 2022
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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.

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 “B”

**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 12, 2005 by and between the City of Temecula, a municipal corporation ("City"), and the County of Riverside, a public subdivision of the State of California ("County"). In consideration of the mutual promises set forth herein, the City and County agree as follows:

ARTICLE 1

RECITALS

This Agreement is made for the following purposes and with respect to the following facts, which the City and County agree to be true and correct:

1.1 Since 1999, the County has been engaged in a project known as the Riverside County Integrated Project (the "RCIP"), which initially consisted of proposals for the Community and Environmental Transportation Acceptability Process (the "CETAP"), the Western Riverside County Multi-Species Habitat Conservation Plan ("MSHCP"), and an updated general plan to replace the County general plan adopted in 1984. The CETAP has not yet been adopted. The MSHCP has been adopted by the County and the member agencies. The State and Federal agencies have also approved the MSHCP and issued the necessary permits for the MSHCP.

1.2 On October 7, 2003, the County adopted its Resolution No. 2003-487, approving a new General Plan (the "General Plan") to replace the prior general plan approved in 1984 and adopted Resolution No. 2003-488 adopting and certifying a Final Environmental Impact Report for the General Plan ("FEIR"). The General Plan designates land uses for the unincorporated areas of the County. The General Plan also describes the infrastructure necessary to serve the designated land uses.

1.3 The City is located in southwestern Riverside County. Two major highways traverse the City, State Route 79 North (Winchester Road) and State Route 79 South, and connect to Interstate 15. The City has improved these roads from two lanes to six lanes in order to accommodate the growth within the City. These roads also serve the unincorporated areas of the County surrounding the City.

1.4 During the public hearing process, the City commented extensively on the proposed General Plan. The City contends, among other things, that the General Plan fails to adequately provide for construction of the traffic improvements required to serve the dwelling units proposed by the General Plan and, therefore, fails to mitigate the traffic impacts created by the General Plan; that the General Plan deficiencies are of particular concern to the City because traffic generated in the Southwest area of the County will severely impact the City unless certain

traffic improvements are built concurrently with the proposed dwelling units; and that no adequate mechanism exists in the General Plan to ensure that traffic mitigation measures identified in the General Plan and the FEIR are in place before the dwelling units creating the need for the mitigation measures are constructed. The County disputes the City's contentions.

1.5 On November 5, 2003, the City filed a Petition for Writ of Mandate in Riverside Superior Court challenging the legality and validity of the General Plan and the FEIR. The action is entitled "*City of Temecula v. County of Riverside; Board of Supervisors of the County of Riverside*," Riverside County Superior Court Case No. RIC 402766 ("Litigation"). The County disputes the City's contention that the General Plan and FEIR are invalid.

1.6 Despite their differences in the Litigation, the City and County desire to cooperatively work together in an effort to improve the highway infrastructure in Western Riverside County for the benefit of all current and future residents of the County. The City and County acknowledge that providing adequate traffic infrastructure for Western Riverside County involves complex engineering, environmental and financial challenges requiring the full cooperation of all federal, state and local governmental agencies, but will provide substantial public benefits for the City, County and the people living and working in the City and the County.

1.7 This Agreement sets forth the framework for a major cooperative effort by the City and the County to provide the traffic infrastructure required for new housing development in Western Riverside County before the creation of actual traffic impacts.

1.8 This Agreement specifically addresses impacts of the General Plan on Major Arterial Roads in Southwest Riverside County in the specific area to be known as the "I-215 Policy Area." This Agreement also specifically addresses impacts of the General Plan on freeways in the "Western Riverside County Area". For the purposes of this Agreement, the "I-215 Policy Area" shall be the area described in and shown on Exhibit A and the "Western Riverside County Area" shall be the area described in and shown on Exhibit D.

1.9 The terms described below shall have the following meanings unless otherwise noted in the Agreement:

1.9.1 "Appropriately formed and fully funded financing mechanism" is defined in Section 2.3.4 and Section 3.3.4 and shall mean a community facilities district, assessment district, or similar infrastructure financing mechanism, which has been formed and which is fully funded to provide for the immediate construction of the Major Arterial Roads required to mitigate project-related traffic impacts. "Appropriately formed financing mechanism" is defined in Section 2.3.4 and Section 3.3.4 and shall mean a community facilities district, assessment district, or similar infrastructure financing mechanism, which has been formed to provide for the construction of the Major Arterial Roads required to mitigate project-related traffic impacts.

1.9.2 "Best efforts" County is defined in Section 2.3.2 and Section 2.3.7. As used in Section 2.3.2, "best efforts" shall mean that the County shall initiate proceedings to amend the General Plan as described in Section 2.1 and shall diligently process the proposed

General Plan Amendment to completion in accordance with all applicable laws, subject to the County's legislative discretion as more particularly described in Section 2.3.5. As used in Section 2.3.7, "best efforts" shall mean that the County shall, at the time an appropriately formed financing mechanism is in place and sufficient funds are available, diligently undertake, without unnecessary delay, all the actions required to enable construction of the Major Arterial Roads, including, but not limited to, preparing and processing the required environmental documentation, design documentation and plans and specifications. As used in Section 2.3.7, "best efforts" shall further mean that the County shall, at the time an appropriately formed and fully funded financing mechanism is in place, diligently initiate and complete construction of the Major Arterial Roads.

1.9.3 "Best efforts" City is defined in Section 3.3.2, and shall mean that the City shall initiate proceedings to amend the General Plan as described in Section 3.1 and shall diligently process the proposed General Plan Amendment to completion in accordance with all applicable laws, subject to the City's legislative discretion as more particularly described in Section 3.3.6.

1.9.4 "City" shall mean the City of Temecula.

1.9.5 "City General Plan Amendment" shall mean the proposed amendment to the Temecula General Plan described in Section 3.1.

1.9.6 "City Land Use Applications" is defined in Section 3.3.3 and shall mean any applications on which the City Planning Commission has not taken final action as of the effective date of this Agreement, the approval of which, would authorize or conditionally authorize the construction of dwelling units within the City, including, but not limited to, applications for General Plan amendments, specific plans, specific plan amendments, zone changes, development agreements, subdivision maps and planned development permits.

1.9.7 "County" shall mean the County of Riverside.

1.9.8 "County General Plan Amendment" shall mean the proposed amendment to the Riverside County General Plan described in Section 2.1.

1.9.9 "County Land Use Applications" is defined in Section 2.3.3 and shall mean any applications on which the County Planning Commission has not taken final action as of the effective date of this Agreement, the approval of which, would authorize or conditionally authorize the construction of dwelling units within the I-215 Policy Area, including, but not limited to, applications for General Plan amendments, specific plans, specific plan amendments, zone changes, development agreements, subdivision maps and planned development permits.

1.9.10 "Effective date of this Agreement" shall mean the date described in Section 6.11.

1.9.11 "General Plan" shall mean the Riverside County General Plan approved by Resolution No. 2003-487 of the Board of Supervisors of Riverside County on October 7, 2003.

1.9.12 "Freeways" shall mean the I-15 Freeway and the I-215 Freeway within the Western Riverside County Area.

1.9.13 "Freeway Action Plan" shall mean the action plan described in Section 4.4 which shall be negotiated by the City and County following receipt of the Freeway Strategic Study.

1.9.14 "Freeway Strategic Study" shall mean the study described in Section 4.1 to set specific goals for the development of the freeway capacity necessary to meet the traffic generated by new housing development in the Western Riverside County Area and to establish the framework for the joint efforts of the City, County, and other federal, state and local agencies to implement the goals and establish the necessary freeway capacity.

1.9.15 "I-215 Policy Area" is defined in Section 1.8 and shall mean the area in Southwest Riverside County described in and shown on Exhibit A.

1.9.16 "Litigation" shall mean the Petition for Writ of Mandate filed by the City on November 5, 2003 in Riverside Superior Court, entitled "*City of Temecula v. County of Riverside; Board of Supervisors of the County of Riverside,*" Riverside County Superior Court Case No. RIC 402766, challenging the legality and validity of the General Plan and the FEIR.

1.9.17 "Major Arterial Roads" is defined in Section 2.3.1 and Section 3.3.1 and shall mean those roadway projects identified in Exhibit B.

1.9.18 "Priority Phasing Program" shall mean the program described in Exhibit C.

1.9.19 "Western Riverside County Area" shall mean the area described in and shown on Exhibit D.

ARTICLE 2

MEASURES TO MITIGATE THE IMPACT OF NEW HOUSING DEVELOPMENT ON COUNTY ARTERIAL ROADS AND HIGHWAYS

2.1 The County shall use its best efforts to amend the General Plan so that it contains: (1) a policy indicating that the Major Arterial Roads within the I-215 Policy Area shall be constructed and completed concurrently with the construction of the dwelling units creating the demand for the Major Arterial Roads; and (2) a requirement that all land use applications approved by the County within the I-215 Policy Area ("County Land Use Applications") shall contain a condition, in addition to all other appropriate conditions, that building permits shall not

be issued until (a) the subject property is part of an appropriately formed and fully funded financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project or (b) the subject property is part of an appropriately formed financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project and the property owner pays its full proportionate share of the required improvements to the County in trust for the construction of the Major Arterial Roads which will mitigate the traffic impacts of the project or (c) the County otherwise funds or constructs the required improvements using money from other sources. The General Plan Amendments described in this section shall be known as the "County General Plan Amendment."

2.2 All County Land Use Applications approved by the County after the effective date of this Agreement shall contain a condition of approval requiring that building permits shall not be issued until (a) the subject property is part of an appropriately formed and fully funded financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project or (b) the subject property is part of an appropriately formed financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project and the property owner pays his/her/its full proportionate share of the required improvements to the County in trust for the construction of the Major Arterial Roads which will mitigate the traffic impacts of the project or (c) the County otherwise funds or constructs the required improvements using money from other sources.

2.3 The County, to the extent allowed by law, shall facilitate and promote the proceedings necessary to complete processing of the County General Plan Amendment as set forth in Section 2.1 and the County shall diligently process the County General Plan Amendment, including necessary environmental actions without unnecessary delay.

2.3.1 As used in this Agreement, "Major Arterial Roads" shall mean those roadway projects identified in Exhibit B.

2.3.2 As used in Sections 2.1, "best efforts" shall mean that the County shall initiate proceedings to amend the County General Plan as described in Section 2.1 and shall diligently process the proposed Amendment to completion in accordance with all applicable laws, subject to the County's legislative discretion as more particularly described in Section 2.3.5.

2.3.3 As used in this Agreement, County Land Use Applications shall mean any applications on which the County Planning Commission has not taken final action as of the effective date of this Agreement, the approval of which, would authorize or conditionally authorize the construction of dwelling units within the I-215 Policy Area, including, but not limited to, applications for General Plan amendments, specific plans, specific plan amendments, zone changes, development agreements, subdivision maps and planned development permits.

2.3.4 As used in this Agreement, "appropriately formed and fully funded financing mechanism" shall mean a community facilities district, assessment district, or similar infrastructure financing mechanism, which has been formed and which is fully funded to provide

for the immediate construction of the Major Arterial Roads required to mitigate project-related traffic impacts.. As used in this Agreement, "appropriately formed financing mechanism" shall mean a community facilities district, assessment district, or similar infrastructure financing mechanism, which has been formed to provide for the construction of the Major Arterial Roads required to mitigate project-related traffic impacts..

2.3.5 The Parties understand and acknowledge that, in the context of processing the County General Plan Amendment and the County Land Use Applications, the County cannot guarantee the ultimate outcome of any public hearings before the County Planning Commission or the County Board of Supervisors or other public bodies of the County, nor prevent any opposition thereto by members of the public or other agencies affected by or interested in the County General Plan Amendment and the County Land Use Applications. The Parties further understand and acknowledge that land use regulations involve the exercise of the County's police power and, at the time of executing this Agreement, it is settled California law that government may not contract away its right to exercise its police power in the future. Avco Community Developers Inc. v. South Coast Regional Com., 17 Cal.3d 785, 800 (1976); City of Glendale v. Superior Court, 18 Cal.App.4th 1768 (1993). The parties further understand and acknowledge that the approval of the County General Plan Amendment and the County Land Use Applications may be subject to procedural or substantive obligations under the California Environmental Quality Act, the State Planning and Zoning Law, or other laws potentially applicable to such approvals. Nothing in this Agreement is intended to constrain the County's consideration of the County General Plan Amendment and the County Land Use Applications in light of the information obtained or developed pursuant to these laws and the County retains the discretion to approve, conditionally approve, or disapprove the County General Plan Amendment and the County Land Use Applications in light of such information. Subject to the foregoing, the County, to the extent allowed by law, shall facilitate and promote the proceedings necessary to complete processing of the County General Plan Amendment as set forth in this section, and the County shall diligently process the County General Plan Amendment, including all necessary environmental actions without unnecessary delay.

2.3.6 The County shall send to the City a public hearing notice for all County Land Use Applications that require a hearing before the County Planning Commission or the County Board of Supervisors.

2.3.7 The County shall use its best efforts to complete the Major Arterial Roads pursuant to the Priority Phasing Program, attached hereto as Exhibit C. As used in this section, "best efforts" shall mean that County shall, at the time an appropriately formed financing mechanism is in place and sufficient funds are available, diligently undertake, without unnecessary delay, all the actions required to enable construction of the Major Arterial Roads, including, but not limited to, preparing and processing the required environmental documentation, design documentation and plans and specifications. As used in this section "best efforts" shall further mean that the County shall, at the time an appropriately formed and fully funded financing mechanism is in place, diligently initiate and complete construction of the Major Arterial Roads.

ARTICLE 3

MEASURES TO MITIGATE THE IMPACT OF NEW HOUSING DEVELOPMENT ON CITY ARTERIAL ROADS AND HIGHWAYS

3.1 The City shall use its best efforts to amend the City's General Plan so that it contains: (1) a policy indicating that the Major Arterial Roads within the City shall be constructed and completed concurrently with the construction of the dwelling units creating the demand for the Major Arterial Roads; and (2) a requirement that land use applications approved by the City within the City ("City Land Use Applications") shall contain a condition, in addition to all other appropriate conditions, that building permits shall not be issued until (a) the subject property is part of an appropriately formed and fully funded financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project or (b) the subject property is part of an appropriately formed financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project and the property owner pays its full proportionate share of the required improvements to the City in trust for the construction of the Major Arterial Roads which will mitigate the traffic impacts of the project or (c) the City otherwise funds or constructs the required improvements using money from other sources. The City General Plan Amendments described in this section shall be known as the "City General Plan Amendment."

3.2 All City Land Use Applications approved by the City after the effective date of this Agreement shall contain a condition of approval which requires that building permits shall not be issued until (a) the subject property is part of an appropriately formed and fully funded financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project or (b) the subject property is part of an appropriately formed financing mechanism to build the components of the Major Arterial Roads which will mitigate the traffic impacts of the project and the property owner pays his/her/its full proportionate share of the required improvements to the City in trust for the construction of the Major Arterial Roads which will mitigate the traffic impacts of the project or (c) the City otherwise funds or constructs the required improvements using money from other sources.

3.3 The City, to the extent allowed by law, shall facilitate and promote the proceedings necessary to complete processing of the City General Plan Amendment as set forth in Section 3.1, and the City shall diligently process the City General Plan Amendment, including necessary environmental actions without unnecessary delay.

3.3.1 As used in this Agreement, "Major Arterial Roads" shall mean those roadway projects identified in Exhibit B.

3.3.2 As used in Sections 3.1, "best efforts" shall mean that the City shall initiate proceedings to amend the City General Plan as described in Section 3.1 and shall diligently process the proposed Amendment to completion in accordance with all applicable laws, subject to the City's legislative discretion as more particularly described in Section 3.3.5.

3.3.3 As used in this Agreement, City Land Use Applications shall mean any applications on which the City Planning Commission has not taken final action as of the effective date of this Agreement, the approval of which, would authorize or conditionally authorize the construction of dwelling units within the City, including, but not limited to, applications for General Plan amendments, specific plans, specific plan amendments, zone changes, development agreements, subdivision maps and planned development permits.

3.3.4 As used in this Agreement, "appropriately formed and fully funded financing mechanism" shall mean a community facilities district, assessment district, or similar infrastructure financing mechanism, which has been formed and which is fully funded to provide for the immediate construction of the Major Arterial Roads required to mitigate project-related traffic impacts. As used in this Agreement, "appropriately formed financing mechanism" shall mean a community facilities district, assessment district, or similar infrastructure financing mechanism, which has been formed to provide for the construction of the Major Arterial Roads required to mitigate project-related traffic impacts..

3.3.5 The Parties understand and acknowledge that, in the context of processing the City General Plan Amendment and the City Land Use Applications, the City cannot guarantee the ultimate outcome of any public hearings before the City Planning Commission or the City Council or other public bodies of the City, nor prevent any opposition thereto by members of the public or other public agencies affected by or interested in the City General Plan Amendment and the City Land Use Applications. The Parties further understand and acknowledge that land use regulations involve the exercise of the City's police power and, at the time of executing this Agreement, it is settled California law that government may not contract away its right to exercise its police power in the future. Avco Community Developers Inc. v. South Coast Regional Com., 17 Cal.3d 785, 800 (1976); City of Glendale v. Superior Court, 18 Cal.App.4th 1768 (1993). The parties further understand and acknowledge that the approval of the City General Plan Amendment and the City Land Use Applications may be subject to procedural or substantive obligations under the California Environmental Quality Act, the State Planning and Zoning Law, or other laws potentially applicable to such approvals. Nothing in this Agreement is intended to constrain the City's consideration of the City General Plan Amendment and the City Land Use Applications in light of the information obtained or developed pursuant to these laws and the City retains the discretion to approve, conditionally approve, or disapprove the City General Plan Amendment and the City Land Use Applications in light of such information. Subject to the foregoing, the City, to the extent allowed by law, shall facilitate and promote the proceedings necessary to complete processing of the City General Plan Amendment as set forth in this section, and the City shall diligently process the City General Plan Amendment, including all necessary environmental actions without unnecessary delay.

3.3.6 The City shall send to the County a public hearing notice for all City Land Use Applications that require a hearing before the City Planning Commission or the City Council.

ARTICLE 4

MEASURES TO MITIGATE THE IMPACT OF NEW HOUSING DEVELOPMENT ON WESTERN RIVERSIDE COUNTY AREA FREEWAYS

4.1 The City and the County shall jointly request that the Riverside County Transportation Commission ("RCTC") prepare a Freeway Strategic Study for the Western Riverside County Area which shall examine the freeway capacity, set specific goals for the development of the freeway capacity necessary to accommodate the trips generated by new housing development and establish the framework for the joint efforts of the City, County and other federal, state and local agencies to implement the goals and establish the necessary freeway capacity. The Joint Request for the Freeway Strategic Study shall ask that the Freeway Strategic Study be completed within four (4) months of the date of submittal of the Joint Request. The Joint Request shall be submitted to RCTC within thirty (30) days of the effective date of this Agreement. The parties authorize the Mayor of the City and the Chairperson of the Board of Supervisors to execute the Joint Request on behalf of their respective agencies.

4.2 The Freeway Strategic Study shall specifically study and analyze the following issues: (1) the current capacities of the freeways within Western Riverside County Area ("Freeways"); (2) the projected traffic growth projections for the Freeways as of January 1 in the years 2010, 2015, 2020, 2025 and 2030, based upon assumptions concerning the build-out of new housing as described in Exhibit E; (3) the percentage of traffic growth for the Freeways in those years attributable to new housing development in the Western Riverside County Area; (4) the currently proposed improvements for the Freeways; (5) the current funding options for the currently proposed improvements for the Freeways; and (6) the potential funding sources for improvements necessary to meet the projected traffic growth for the Freeways at build-out of the Western Riverside County Area.

4.3 The City and the County shall share equally in the costs incurred by RCTC in preparing the Freeway Strategic Study.

4.3.1 The County shall invoice the City for the City's share of the RCTC costs and the City shall pay such invoice within thirty (30) days of the date the invoice is deemed given under Section 6.7 of this Agreement.

4.3.2 During the course of RCTC's work on the Freeway Strategic Study, the City, the County and RCTC staff shall meet monthly to discuss the progress of the work and to review any additional work which may need to be undertaken by the consultant.

4.4 Following completion of the Freeway Strategic Study, the City and County shall meet and negotiate in good faith to develop a Freeway Action Plan for funding the freeway improvements necessary to meet the expected demand as determined by the Freeway Strategic Study. As part of the development of the Freeway Action Plan, the City and the County shall also form a Freeway Task Force composed of private and public stakeholders to build consensus

and secure participation of other Western Riverside County Area Cities in the Freeway Action Plan. The Freeway Task Force shall specifically include, but shall not be limited to, a representative from each of the following: the City and the County, RCTC, the Western Riverside Council of Governments ("WRCOG"), the development community and the environmental community.

4.5 In the event a third party files litigation concerning the Freeway Strategic Study or the Freeway Action Plan, or any portion thereof, the City and the County shall share equally in the costs of defending the litigation, provided the City's share shall not exceed the maximum sum of one hundred fifty thousand dollars (\$150,000.00).

4.6 Ad hoc subcommittees of the City Council and the County Board of Supervisors, along with their staffs, shall meet monthly to review the progress of the proposed General Plan Amendment (Section 2.1), the conditions of approval for the County and City Land Use Applications (Section 2.2 and Section 3.2) and the Freeway Strategic Study (Section 4.1).

ARTICLE 5

SETTLEMENT OF LITIGATION

5.1 The City shall dismiss without prejudice the Litigation within twenty- five (25) days of the effective date of this Agreement, subject to the City's right to refile the Litigation as provided in this Agreement.

5.2 The City shall have the right to refile the Litigation, subject to the provisions of Sections 5.2.1 through 5.2.6, inclusive, in the event that: (1) the County does not, within three (3) months of the effective date of this Agreement, complete the staff work required for the County General Plan Amendment, including necessary environmental documentation, and set a public hearing date before the Planning Commission; (2) the County does not, for any reason, adopt the County General Plan Amendment within nine (9) months of the effective date of this Agreement; or (3) the County does not adopt the jointly developed Freeway Action Plan described in Section 4.4 within one (1) year after completion of the Freeway Strategic Study described in Section 4.2.

5.2.1 The City's right to refile the Litigation shall expire one (1) year and thirty (30) days after completion of the Freeway Strategic Study. As used in this Agreement, "completion of the Freeway Strategic Study" shall mean the date RCTC transmits the final version of the Freeway Strategic Study to the City Council and the County Board of Supervisors.

5.2.2 In the event the City exercises its right to refile the Litigation, the refiled lawsuit shall not challenge the General Plan except with respect to the analysis of traffic impacts, including mitigation measures associated with such impacts, within the Third Supervisorial District of the County, as that District was configured on the effective date of this Agreement.

5.2.3 The prayer clause in the refiled Litigation shall request relief only with respect to the General Plan as it applies and relates to traffic impacts within the Third

Supervisory District. The prayer clause shall specifically state that the City does not request that the Court set aside the General Plan in its entirety. All pleadings, briefs, arguments and proposed orders filed by the City addressing the scope of relief, including proceedings pursuant to Public Resources Code Section 21168.9, shall be consistent with this provision.

5.2.4 The County specifically agrees that the City shall have the right to refile the Litigation pursuant to the terms of this Agreement notwithstanding the applicable statute of limitations governing legal challenges to the General Plan and agrees to toll the statute of limitations for a legal challenge to the General Plan so as to enable the City to exercise its rights under this Agreement. Pursuant to this Agreement, the County does not toll or waive the defense of the statute of limitations as to any persons, agencies or entities other than the City.

5.2.5 The County further agrees, on behalf of itself and any successors or assigns, that in the event the Litigation is refiled the County will not raise any applicable statute of limitations as a defense to the refiled Litigation and will allow the City to proceed with prosecution of the refiled Litigation subject to the restrictions set forth in this Agreement.

5.2.6 Subject to the restrictions set forth in Section 5.2.2 and Section 5.2.3, nothing herein is intended to, nor shall it be construed to, prohibit the City from challenging a project approved by the County on the grounds that the project fails to comply with the California Environment Quality Act, or other laws.

5.3 If the County adopts the jointly developed Freeway Action Plan, then, and only then, shall Sections 5.3.1 through 5.3.6 become operative. As used in this Agreement, "adopts the jointly developed Freeway Action Plan" shall mean the County adopts a resolution approving the Freeway Action Plan. The County is not required to adopt or otherwise implement the specific measures described in the Freeway Action Plan in order to obtain the benefits conferred by Sections 5.3.1 through 5.3.6.

5.3.1 Within twenty (20) days after the County adopts the jointly developed Freeway Action Plan, the City shall file with the Court a request for dismissal, with prejudice, of the Litigation.

5.3.2 Each party shall bear its own attorney fees and expenses in the Litigation.

5.3.3 In consideration of the promises of the parties specified in this Agreement and the satisfaction of the conditions for settlement, the parties shall fully and forever release, acquit, and discharge each other, their officers, elected officials, attorneys, sureties, agents, servants, representatives, employees, subsidiaries, affiliates, partners, predecessors, successors-in-interest, assigns, and all persons acting by, through, under or in concert with them of and from any and all past, present, or future claims, demands, obligations, actions, causes of action, including those for damages, injunctive or declaratory relief, or for relief by way of writ of mandate, for costs, losses of service, expenses, liability, suits, and compensation of any nature whatsoever, whether based on tort, contract, or other theory of recovery, known or unknown, that they now have, have had, asserted or could have asserted in the Litigation or otherwise relate to the alleged actions or inactions of the County with respect to the Litigation. Nothing contained

herein shall relieve any party hereto of its continuing obligations imposed by law or by the provisions of this Agreement, including, without limitation, the Judgment in the case of *Endangered Habitats League v. County of Riverside (Domenigoni-Barton Properties)*, Riverside County Superior Court Case No. RIC 369801, consolidated with *City of Temecula v. County of Riverside (Domenigoni-Barton Properties)* Riverside County Superior Court Case No. RIC 369989.

5.3.4 The parties hereto acknowledge that they are familiar with Section 1542 of the California Civil Code which provides:

“A general release does not extend to claims which a creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor.”

The parties being aware of the aforesaid code section, each hereby expressly waives any rights they might have hereunder. This release shall not operate to release any claims the parties may later have for the enforcement of the obligations created by this Agreement.

5.3.5 The City warrants and represents to the County that it has not assigned, conveyed or otherwise transferred any of its rights to the claims described in or arising out of the Litigation to any other person, entity, firm or corporation not a party to this Agreement, in any manner, including by way of subrogation or operation of law or otherwise. In the event that any claim, demand or suit is made or instituted against the County because City made an actual assignment or transfer, City agrees to indemnify and hold the County harmless against such claim, and to pay and satisfy any such claim, including necessary expenses of investigation, reasonable attorneys' fees and costs.

5.3.6 The County warrants and represents to the City that the execution and delivery of this Agreement by County will not (i) violate any judgment, order, injunction, decree, regulation or ruling of any court or governmental entity or (ii) conflict with, result in a breach of, or constitute a default under any material agreement or instrument to which the County is a party or by which the County may be bound.

ARTICLE 6

MISCELLANEOUS

6.1 This Agreement contains the complete expression of the whole agreement between the parties hereto, and there are no promises, representations, agreements, warranties or inducements, either expressed verbally or implied, except as are fully set forth herein. This Agreement cannot be enlarged, modified, or changed in any respect except by written agreement between the parties.

6.2 Each and all of the covenants, conditions and restrictions in this Agreement shall

inure to the benefit of and shall be binding upon the parties, their successors-in-interest, agents, representatives, assignees, transferees.

6.3 No person or entity shall be deemed to be a third party beneficiary hereof, and nothing in this Agreement (either expressed or implied) is intended nor shall it be construed to confer upon any person or entity, other than the City and the County, any rights, remedies, obligations or liabilities under or by reason of this Agreement.

6.4 In entering into this Agreement, the parties represent that they have relied upon the legal advice of their attorneys, who are the attorneys of their own choice, and that these terms are fully undertaken and voluntarily accepted by them. The parties further represent that they have no question with regard to the legal import of any term, word, phrase, or portion of this Agreement, or the Agreement in its entirety, and accept the terms of this Agreement as written.

6.5 The parties hereto represent and warrant to each other that they have full authority to execute this Agreement.

6.6 The headings employed to identify the provisions contained herein are solely for the convenience of the parties to this Agreement. If any ambiguity appears in either the headings or the provisions attendant thereto, such ambiguity shall not be construed against any party to this Agreement on the grounds that such party drafted this Agreement.

6.7 Except as otherwise expressly provided by law, any and all notices or other communications required or permitted by this Agreement or by law to be served on or given to either party to this Agreement by the other party shall be in writing and shall be deemed duly served and given when personally delivered to the party to whom it is directed or to any officer of that party, or, in lieu of personal service, on the third business day following deposit in the United States mail, certified, postage prepaid, addressed to:

County of Riverside
County Administrative Center
4080 Lemon Street
Riverside, California 92501
Attention: Transportation Land Management Agency Director

City of Temecula
Post Office Box 9033
43200 Business Park Drive
Temecula, California 92589-9033
Attention: City Manager

6.8 If any litigation is commenced between the parties to this Agreement concerning the rights and duties of either in relation to this Agreement, the prevailing party shall be entitled to, in addition to any other relief that may be granted in the litigation, reasonable attorneys fees as determined by the court presiding over the dispute.

6.9 The following Exhibits to this Agreement are incorporated herein as though set forth in full:

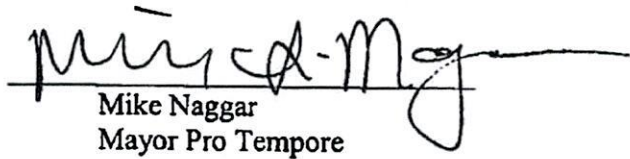
Exhibit A	I-215 Policy Area
Exhibit B	Major Arterial Roads
Exhibit C	Priority Phasing Program
Exhibit D	Western Riverside County Area
Exhibit E	Assumptions of Build-Out of I-215 Policy Area

6.10 This Agreement may be executed in counterparts, each of which shall be deemed to be an original and all of which together shall constitute one and the same instrument.

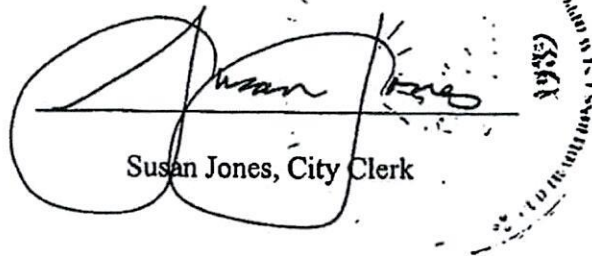
6.11 The effective date of this Agreement is the date the parties sign the Agreement. If the parties sign the Agreement on more than one date, then the last date the Agreement is signed by a party shall be the effective date.

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

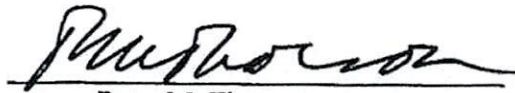
CITY OF TEMECULA


Mike Naggar
Mayor Pro Tempore

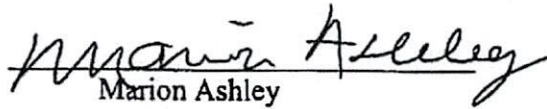
Attest:


Susan Jones, City Clerk


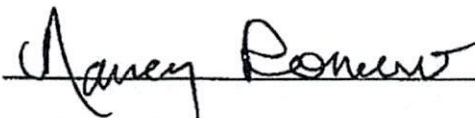
Approved as to Form


Peter M. Thorson
City Attorney

COUNTY OF RIVERSIDE


Marion Ashley
Chairman, Board of Supervisors

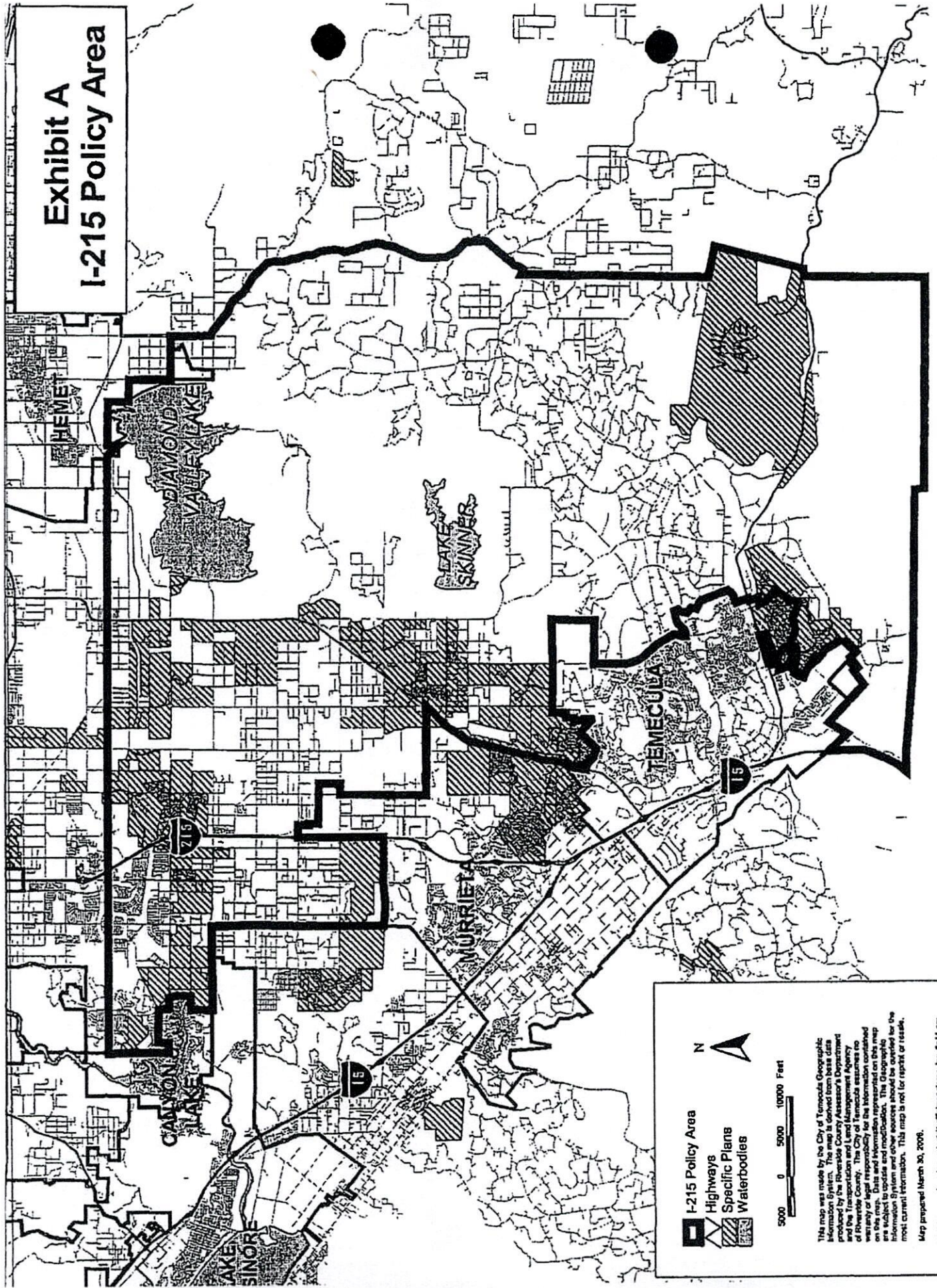
Attest:
Nancy Romero, Clerk to Board of Supervisors


By: 
Deputy Clerk

Approved as to Form
William C. Katzenstein, County Counsel

By: 
Katherine Lind
Deputy County Counsel

Exhibit A I-215 Policy Area



-  I-215 Policy Area
-  Highways
-  Specific Plans
-  Waterbodies

5000 0 5000 10000 Feet



This map was made by the City of Temecula Geographic Information System. The map is derived from data files produced by the Jackson and Land Management Agency of Riverside County. The City of Temecula assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map are subject to update and modification. The Geographic Information System and other sources should be consulted for the most current information. This map is not for reprint or resale.

Map prepared March 30, 2006.

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EXHIBIT "B"

MAJOR ARTERIAL ROADS

Newport Road, including Interchange at I-215 and roadway improvements from Goetz Road to Winchester Road (SR 79S).

Scott Road, including Interchange at I-215 and roadway improvements from I-15 to Winchester Road (SR 79N).

Clinton Keith Road, including Interchange at I-15 and roadway improvements from I-15 to Winchester Road (SR 79N).

Winchester Road Phase I, from Murrieta Hot Springs Road to Domenigoni Parkway to 4 lanes.

Winchester Road Phase II, 4 to 6 lanes.

Winchester Road Phase III, 6 to 8 lanes.

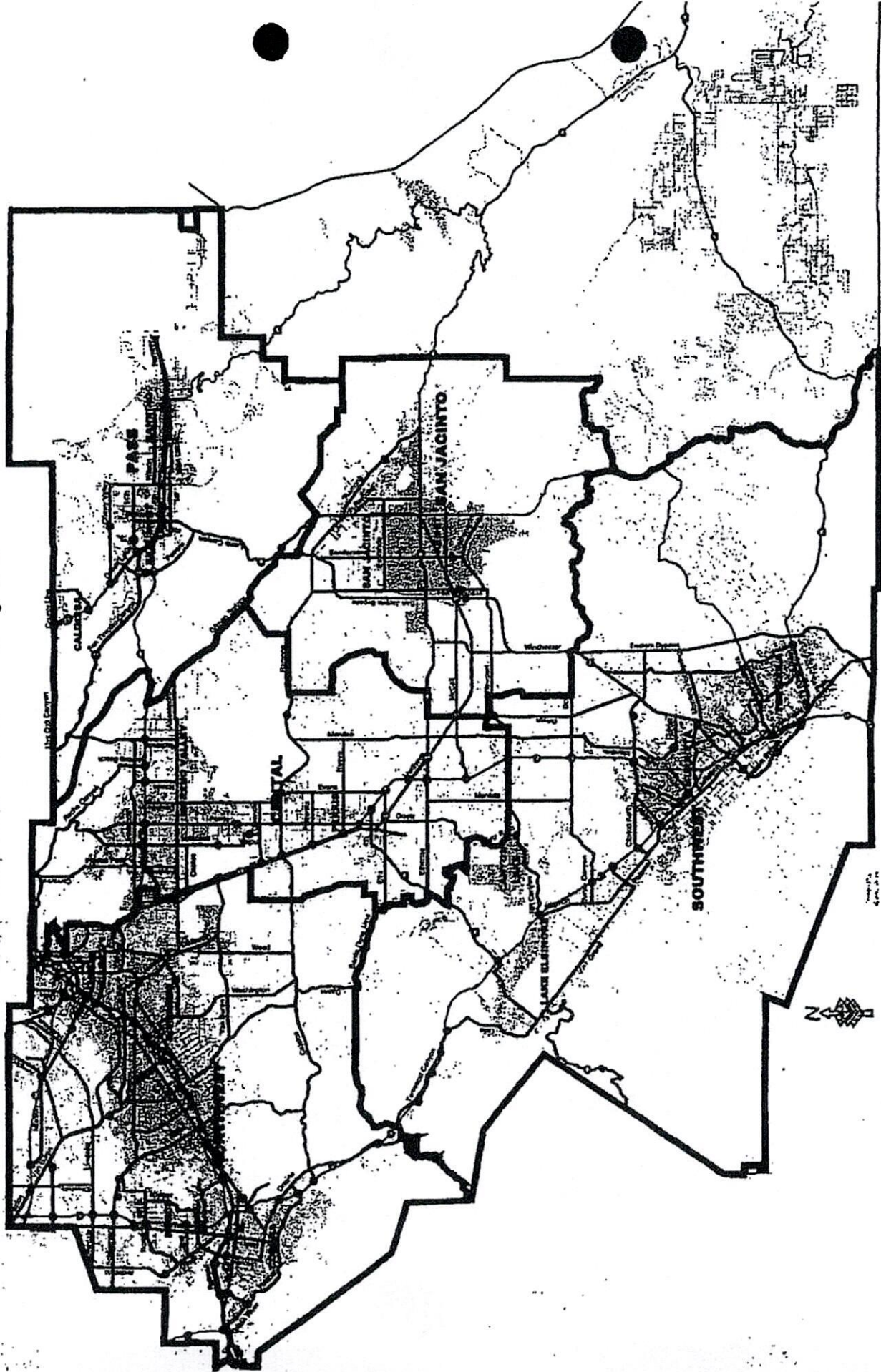
Exhibit "C"

Southwest Riverside County Transportation Strategic Plan

Priority	Anticipated Permits 2,000 du's/yr	Estimated Year of Completion	Transportation Improvement	Cost of Improvement (\$Millions)		Funding Sources
				Highway	Interchange Total	
1		2009	Newport Road, including Interchange at I-215 and roadway improvements from I-215 to Winchester Road (SR 79S). Scott Road, including Interchange at I-215 and roadway improvements from I-15 to Winchester Road (SR 79N). Clinton Keith Road, including Interchange at I-15 and roadway improvements from I-15 to Winchester Road (SR 79N). Winchester Road Phase I, from Murrieta Hot Springs Road to Domenigoni Parkway to 4 lanes.	19.8	14.5	CFD Formed
				27.9	14.0	Proposed CFD
				32.6	13.0	Proposed CFD
				38.6		Proposed CFD
2		2012	French Valley Interchange at I-15, including 6 lanes from I-15 to Winchester Road (SR 79N).		100.0	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 Miles
North Arrow
Copyright © 1988
Southern California Edison Company
San Juan Capistrano, CA

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 “C”

**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.

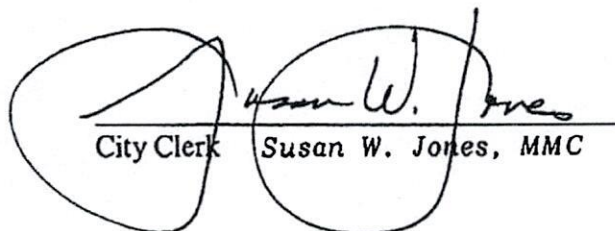
IN WITNESS WHEREOF, the undersigned have executed this Agreement in the State of California.

CITY OF TEMECULA



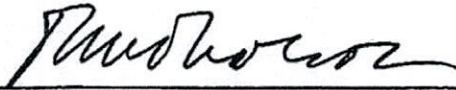
Mayor Ron Roberts

Attest:



City Clerk Susan W. Jones, MMC

Approved as to Form



City Attorney Peter M. Thorson

COUNTY OF RIVERSIDE




JOHN TAVAGLIONE

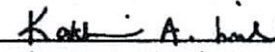
CHAIRMAN, BOARD OF SUPERVISORS

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

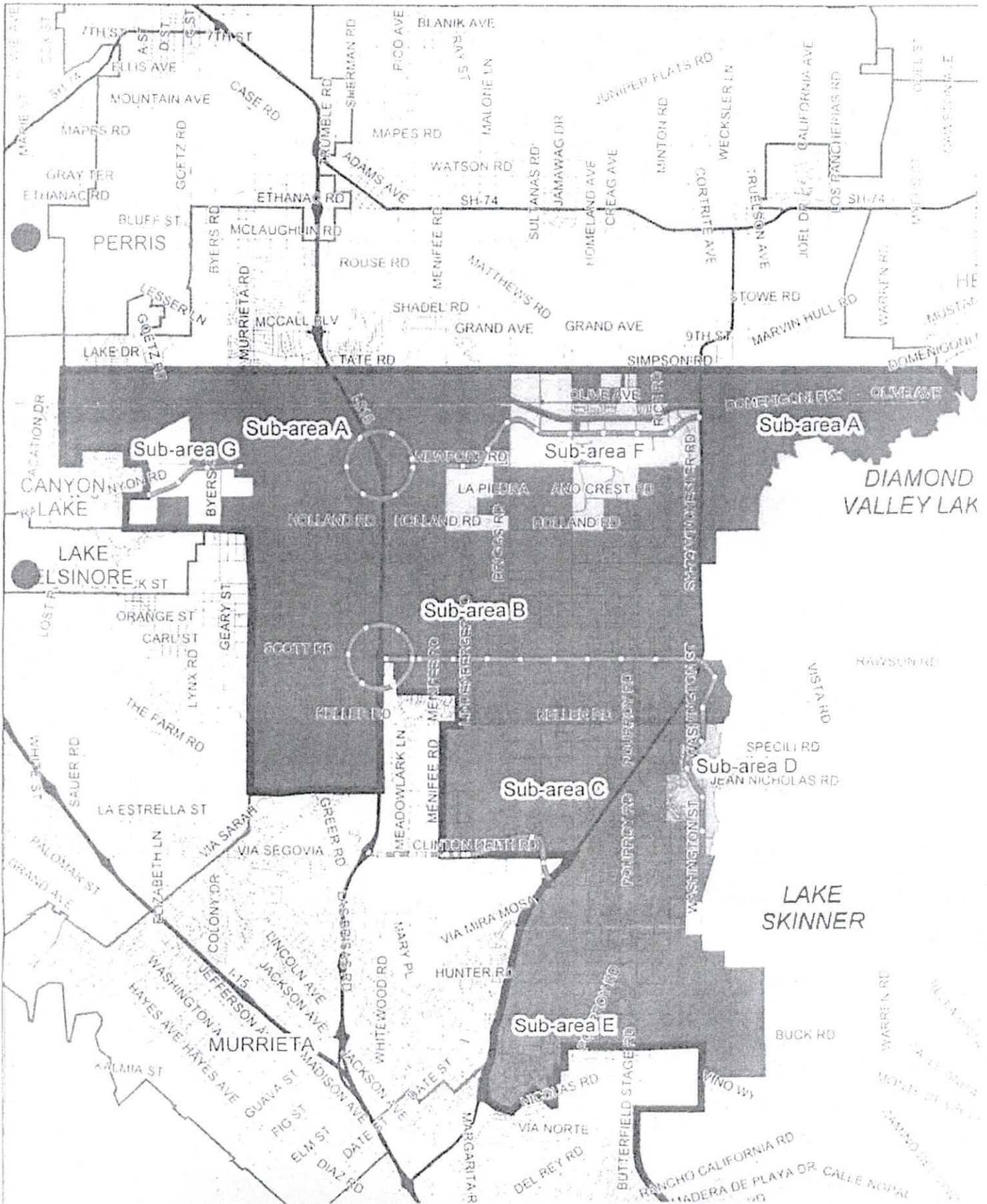


EXHIBIT “D”

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.

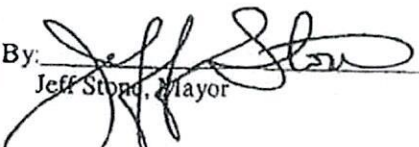
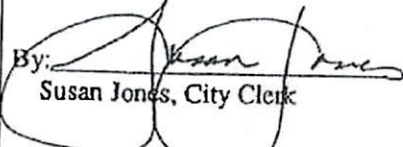
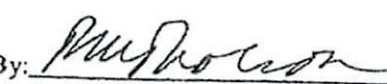

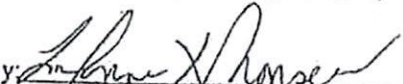
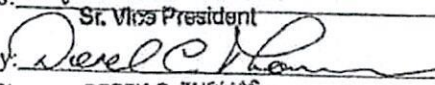
4. Dismissal, Release and Enforcement. Concurrently with the execution of this Agreement, City agrees to execute for filing and file a dismissal of the Lawsuit with prejudice. Upon execution of this agreement and dismissal of the lawsuit, City shall have the right to enforce the terms and provisions 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.

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.

swg
2/1

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>	

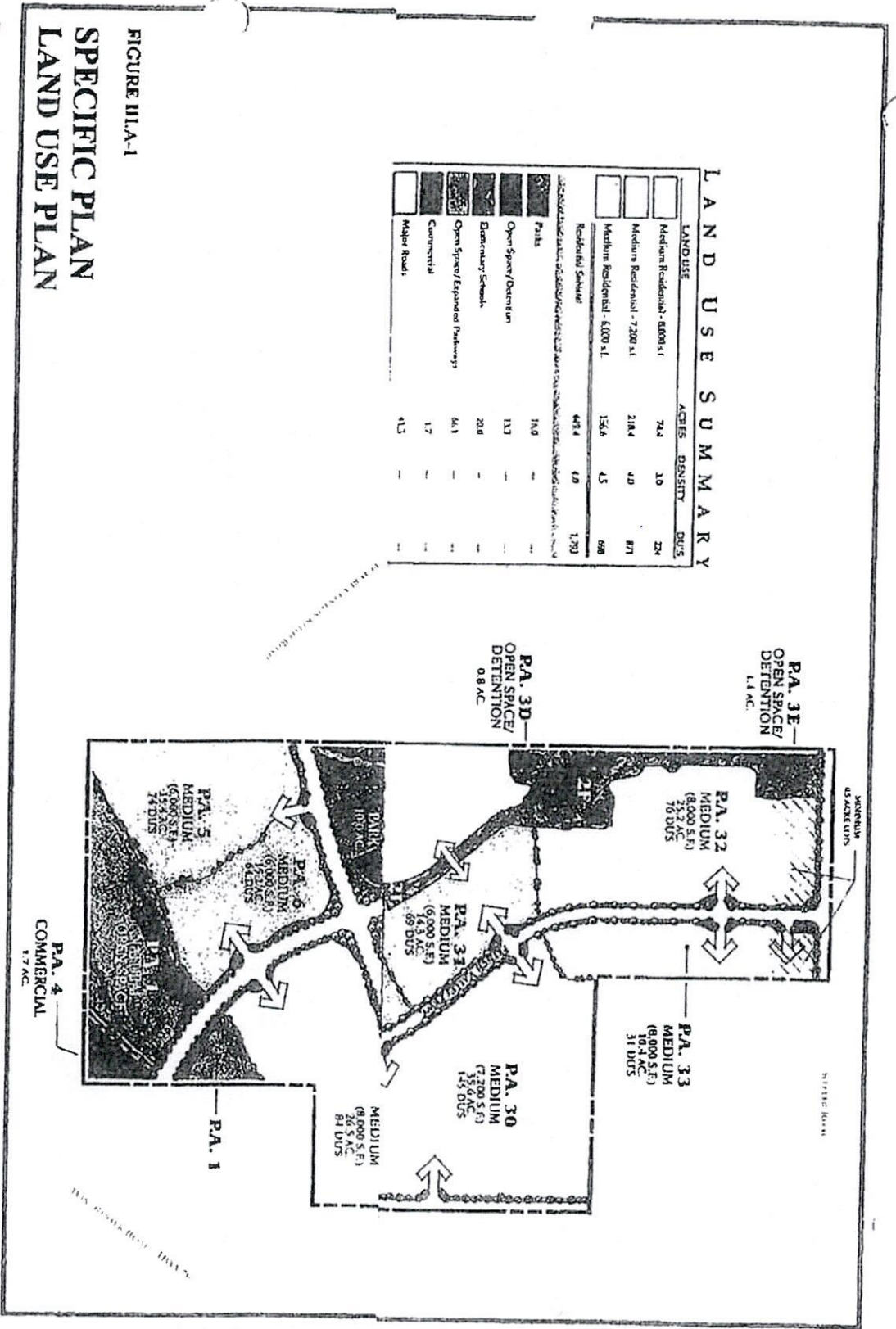
swj


EXHIBIT A
DEPICTION OF FRENCH VALLEY

LAND USE SUMMARY

LAND USE	ACRES	DENSITY	DURS
Medium Residential - 6,000 s.f.	74.4	1.0	28
Medium Residential - 7,200 s.f.	218.4	4.0	87
Medium Residential - 6,000 s.f.	156.6	4.5	68
Residential Medium Density	487.4	1.0	1,700
Parks	14.0	-	-
Open Space/Defention	11.7	-	-
Elementary School	2.0	-	-
Open Space/Expanded Parkways	6.1	-	-
Commercial	1.7	-	-
Major Road	41.3	-	-

FIGURE III.A-1
**SPECIFIC PLAN
 LAND USE PLAN**

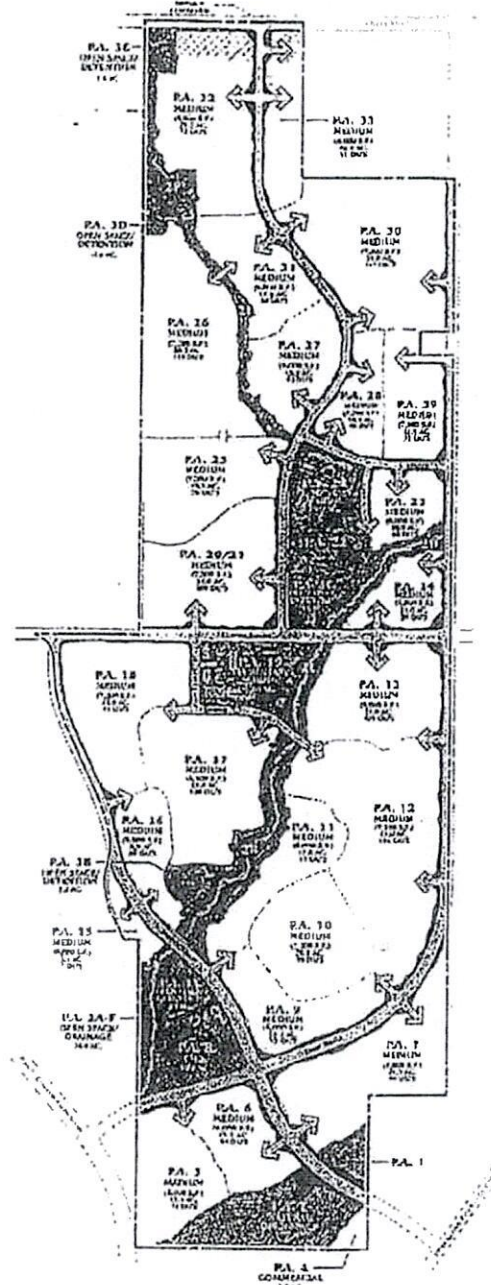


French Valley

TUCALOTIA 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	14.0	—	—
Open Space/ Detention	13.3	—	—
Elementary Schools	26.0	—	—
Open Space/ Expanded Pathways	66.1	—	—
Commercial	1.2	—	—
Major Roads	11.3	—	—
Nonresidential Subtotal	138.4	—	—
Project Totals	587.8	3.9	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 ("RBBB") 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

City of Temecula
Community Development
41000 Main Street
Temecula, CA 92590

Ms. Kimberly Rector
Riverside County Clerk of the Board
400 Lemon Street, 1st Floor
Riverside, CA 92501



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CITY OF MURRIETA

RECEIVED RIVERSIDE COUNTY
CLERK/BOARD OF SUPERVISORS
2024 OCT 24 AM 10:27

VIA E-MAIL AND FIRST-CLASS MAIL

October 21, 2024

Chair Washington and County Supervisors
County of Riverside Board of Supervisors
400 Lemon Street, 1st Floor
Riverside, CA 92501

Re: October 22, 2024 Board of Supervisors Meeting – Agenda Item 21
(General Plan Amendment No. 1207 - Winchester Community Plan)

Dear Chair Washington and County Supervisors:

The October 22, 2024 Riverside County Board of Supervisors meeting agenda includes an item regarding the proposed Winchester Community Plan General Plan Amendment.

As a neighboring community to the Winchester Policy Area, the City of Murrieta is very interested in the long-term vision for this portion of Riverside County. Attached is a letter submitted by the City of Murrieta for the June 4, 2024 Planning Commission meeting, which also includes as an attachment a letter from September 2022, both regarding the Draft Environmental Impact Report (EIR).

The City of Murrieta understands firsthand the dynamics in the State of California related to planning for housing. That said, the City of Murrieta remains very concerned about the impact of the proposed Winchester Community Plan General Plan Amendment on public services, infrastructure, public safety, and particularly regional traffic and transportation. Though the City of Murrieta has voiced these concerns, we do not believe they have been adequately addressed, including the cumulative impact of this anticipated future development. The goal is not to prevent the development of this area but rather to ensure that the necessary infrastructure is provided to adequately support it. Planning holistically for the necessary infrastructure improvements in anticipation of the future cumulative impact, including ensuring the financing methodology for all required infrastructure, is critical to ensure quality of life for the future residents of this area and present residents of Southwest Riverside County.

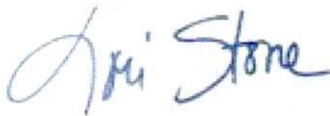
The City of Murrieta understands that stakeholders, including the City, have the right to issue a formal legal challenge under the California Environmental Quality Act (CEQA). Given the strong relationship that the County and City have established, and the mutual interest in seeing our communities develop in the best way possible for our residents, we propose a more cooperative approach to resolving these issues. Unfortunately, CEQA procedural requirements mandate the submission of these additional comments by the City of Murrieta to supplement the letter it submitted on September 23, 2022, that

commented on the Draft Environmental Impact Report for this amendment to the Harvest Valley/ Winchester Area Plan (HVWAP) to ensure the City preserves its rights under CEQA. After reviewing the County's responses to the City's comment letters the City continues to have great concern that the County has not adequately analyzed and mitigated for the reasonably foreseeable significant environmental effects of development facilitated by this Project. Though the City would like to work cooperatively with the County in resolving the City's concerns, the City continues to object to this Project until such time as the City's concerns have been addressed. These additional comments are included as Attachment 2 to this letter, which includes Exhibit A.

For that reason, the City respectfully recommends that the County of Riverside postpone the adoption of the Winchester Community Plan General Plan Amendment for 12-18 months to allow for further analysis as required by CEQA, including adequate time for the County to complete both a regional traffic impact analysis, which would identify the future infrastructure improvements that will be needed to support this expanded population, as well as to determine the necessary public safety investments and phasing of implementation as development occurs.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Lori Stone". The signature is written in a cursive, flowing style.

Lori Stone
Mayor

c: Members of the Murrieta City Council
Board of Supervisors

Attachments:

- 1) Letter to Riverside County Planning Commission – June 4, 2024
- 2) Comments regarding General Plan Amendment 1207 and Draft/Final EIR with Exhibit A



CITY OF MURRIETA

June 4, 2024

Mr. Russell Brady, Project Planner
County of Riverside Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Sent via email to rbrady@rivco.org

Re: June 5, 2024 Planning Commission – Agenda Item 5.1 (ID #251158)

Dear Mr. Brady:

The June 5, 2024 Riverside County Planning Commission agenda includes a workshop item regarding the proposed Winchester Community Plan General Plan Amendment. As a neighboring community to the Winchester Policy Area, the City of Murrieta is very interested in the long-term vision for this portion of Riverside County. Attached is a letter submitted by the City of Murrieta in September 2022 regarding the Draft Environmental Impact Report (EIR).

City staff was informed yesterday afternoon of the June 5th Planning Commission workshop. In reviewing the staff report for the workshop, the City is seeking more detail to understand the proposed changes, as well as the status of the EIR process. The City's concerns generally remain the same as those articulated in the September 2022 letter, primarily focused on the impact on public services, infrastructure, traffic, and public safety.

In addition, the Item 5.1 staff report references the potential for an additional fee for what sounds like a housing density bonus which could be used for mobility and infrastructure improvements, including the Keller Roadway extension for completion between the I-215 and SR-79. As this extension of Keller Road would impact the City of Murrieta, we would like to learn more from the County about this vision. One of the City's top priorities is the construction of an interchange at I-215. The City has been working for many years to complete the EIR process and to secure funding. The County's vision for extending Keller Road between the I-215 and SR-79 could help with the advocacy effort at the federal and state level for the necessary funding.

Thank you for the opportunity to participate in the Planning Commission workshop. The City requests to be in closer communication with County staff about the status of this project and its evolution.

Sincerely,

A handwritten signature in blue ink that reads "Kim Summers".

Kim Summers
City Manager

Attachment



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.

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.

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?

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.

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.

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.

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.

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.

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

ATTACHMENT 2 TO CITY OF MURRIETA LETTER DATED OCTOBER 21, 2024
REGARDING THE HARVEST VALLEY/ WINCHESTER AREA PLAN
GENERAL PLAN AMENDMENT NO. 1207 AND DRAFT/FINAL ENVIRONMENTAL IMPACT REPORT

Background

The County proposes to enact land use designation changes and policy updates by approving General Plan Amendment No. 1207 (Project), generally within the Harvest Valley/Winchester Area Plan (HVWAP). The Project proposes to; expand the Winchester Policy Area (“WPA”), revise the land use designations within a proposed extension to the WPA, revise existing policies and create new policies, amend, and create new neighborhood planning areas with specific policies that, together with the proposed land use changes will provide direction for future orderly development of the WPA including an area identified as the Winchester Town Center/Downtown Area communities located in the northern portion of the Project area. The Project encompasses over 50,000 acres. (County of Riverside Staff Report to the Planning Commission dated 9/18/24 – Agenda Item 4.4)

In addition to its comments on the DEIR in its letter dated September 23, 2022, the City submits the following comments regarding the DEIR inadequate analysis of the Project’s significant impacts related to Air Quality, Energy, Noise, Traffic Safety and Public Safety generally.

Air Quality

To determine the air quality impacts of the County’s proposed actions, the County prepared a draft environmental impact report (DEIR – SCH2019049114) that contains an air quality analysis using CalEEMod software. Appendix B of the DEIR contains the analysis which estimates various air quality emissions resulting from the land use changes proposed by the Project that are depicted in Table 3-1 of the DEIR. Despite proposed changes to 17 Riverside County General Plan land use categories being modified by the Project, the air quality model used to measure the air quality impacts from the proposed land use changes only uses inputs from exactly two (2) land uses – General Office Building and Single-Family Housing. This approach is not only inconsistent with existing and proposed land use conditions found in the Project area the inputs result in a grossly inaccurate depiction of the baseline land use conditions within the Project area and mask the true air quality impacts from the Project’s proposed land use changes. As a result, this error in methodology improperly identifies air quality impacts for air pollutant thresholds of significance for which the South Coast Air Quality Management District (SCAQMD) has determined significance thresholds as well as for emissions of Greenhouse Gases (GHG) created by the Project.

For example, air quality screening inputs for residential development in the Project identify the development of approximately 39,000 units over 12,600 acres implying the air quality analysis was based on a residential density of 3 dwelling units per acre throughout the Project, while the Project supports a variety of residential densities varying from 1 dwelling unit per acre up to 40 dwelling units per acre. For commercial land uses, the air quality analysis utilizes a singular land use of Commercial Office Building to determine air quality impacts from non-residential uses anticipated in the Project, even though the Project will result in the development of a variety of non-residential uses. It is reasonable to assume that a variety of commercial land uses would be developed as a result of the Project, including retail, industrial, and office, which is common in an urban setting such as the Project area (for example see DEIR’s Existing Conditions description which references a variety of residential and non-residential uses in the Project area in Section 3.0). This lack of specificity and generalization of air quality impacts undermines the adequacy of the document. The air quality analysis should have evaluated each type of land use change based on Table 3-1 in

ATTACHMENT 2 TO CITY OF MURRIETA LETTER DATED OCTOBER 21, 2024
REGARDING THE HARVEST VALLEY/ WINCHESTER AREA PLAN
GENERAL PLAN AMENDMENT NO. 1207 AND DRAFT/FINAL ENVIRONMENTAL IMPACT REPORT

the DEIR. There is no relationship between the land use changes proposed and the air quality analysis that was prepared to determine the air quality impacts of the Project's proposed land use changes.

This same level of inaccuracy is carried over into Appendix C which is intended to describe energy use impacts where energy demand and associated air quality impacts are based on the same two land use inputs - General Office Building and Single-Family Housing.

As a further example of how the air quality analysis improperly limits the disclosure of air quality impacts from the Project, the Single-Family Housing land use, which is estimated at 3 DU/AC as described above, is roughly equivalent to the County's General Plan Land Use of Medium Density Residential (2-5 DU/AC) per the County of Riverside's General Plan Land Use Element Table LU-4. However per Table 3-1 of the Project DEIR, a proposed Project land use change establishes an additional 610 acres as Mixed-Use Planning Area (MUA) which allows up to 40 DU/AC (Riverside County General Plan Land Use Element – Page LU 68). At 3 DU/AC the MUA results in approximately 1,800 units using the residential density from the DEIR's air quality analysis. But using the County's maximum density of 40 DU/ AC from its General Plan, over 24,000 dwelling units could be built. The difference in daily traffic generation (+/- 17,000 trips for single-family uses versus 132,000 trips for multi-family uses) is over 115,000 daily trips. Because of the difference in trip generation between residential uses that can reasonably be expected to be built within the Project, the air quality analysis is seriously flawed. The City has attached Exhibit A to this attachment, which is a Trip Generation Comparison dated October 21, 2024, comparing the difference in trip generation between the low-density residential single-family uses analyzed by the DEIR's air quality analysis and the actual residential density allowed by the County's General Plan in the MUA land use as an example of the deficiency of the DEIR's air quality analysis approach. In this one example, the County's DEIR omits the air quality impacts of over 115,000 vehicles.

The same type of issue described above exists for non-residential uses. Therefore the DEIR's approach to analyzing air quality impacts fails to comply with the California Environmental Quality Act. ("CEQA").

Noise

The DEIR provides estimated increases in noise levels based on increased traffic volumes, and refers to traffic estimates that were derived from the County's traffic model (RivTAM – DEIR Page 4.13-6). Yet the DEIR omits any information about basic Project traffic information such as trip generation, peak hour traffic, and traffic distribution to inform the public about the adequacy of the DEIR's approach to noise increases. Without such information, it cannot be determined if traffic was reasonably distributed within the Project's road network and beyond, or if appropriate traffic generation rates were used for daily and peak hour traffic. The City is unable to determine if land use changes proposed by the County will have an impact on its residents resulting from the Project's increase in noise levels.

The DEIR's analysis of construction noise at DEIR pp. 4.13-18-19 is also inadequate. Initially, it is unclear whether the noise analysis complies with the guidance in King & Gardiner Farms, LLC v. County of Kern (2020) 45 Cal.App.5th 814. In that case the court held that the County of Kern's

ATTACHMENT 2 TO CITY OF MURRIETA LETTER DATED OCTOBER 21, 2024
REGARDING THE HARVEST VALLEY/ WINCHESTER AREA PLAN
GENERAL PLAN AMENDMENT NO. 1207 AND DRAFT/FINAL ENVIRONMENTAL IMPACT REPORT

use of an absolute noise threshold to analyze both construction and operational noise impacts failed to comply with CEQA. King & Gardiner, supra, at p. 893-94. As such, the noise analysis relied entirely on an absolute noise threshold and did not analyze the incremental increase in noise levels from existing conditions. This analysis of construction noise needs to be revised consistent with the court's holding in King & Gardiner, supra. In addition, the analysis relies upon County Ordinance 847 and General Plan Policies to conclude that the impacts from construction noise is less than significant. However, County Ordinance 847 exempts construction noise occurring between the hours of 6 a.m. and 6 p.m. during the months of June through September and 7 a.m. and 6 p.m. during the months of October through May from any noise violations related to impacts to nearby dwelling units. This provides little protection to residences from construction noise. In addition, the General Plan policies relied upon are not mandatory and have qualifying limiting language that also makes them of little utility. Accordingly, the DEIR's analysis of construction noise should be revised and appropriate mitigation measures imposed.

Traffic Safety

The City understands that vehicle delay as measured by level of service is no longer a metric for analyzing environmental impacts under CEQA. However, transportation analysis still must analyze traffic safety as a potential environmental impact. Public Resources Code, section 21099(b)(3). The lack of information regarding Project traffic does not permit the City to adequately ascertain whether or not Project impacts are properly identified. While the DEIR references the preparation of a traffic study it was not made part of the DEIR. The City respectfully requests that the County provide adequate Project traffic information, including cumulative project and ambient traffic growth, so the City can determine if the Project will have any significant impacts on traffic safety in Murrieta.

Furthermore, the DEIR's analysis of potential traffic hazards at pp. 4.17-23-24 is cursory at best and concludes, without any supporting evidence that such impacts are less than significant and that no mitigation is required. The City is aware of several intersections along Winchester Road/SR-79 near the Project's boundary with the City of Murrieta that are anticipated to operate at LOS E or F, and the segments of Winchester Road/SR-79 between Thompson and Benton, and South of Benton, are anticipated to operate at LOS E and F, respectively without the Project. The lack of a traffic study in the DEIR indicating that the referenced intersections and comply with the County's General Plan Circulation Element Policy 2.1 could potentially exacerbate already failing conditions along Winchester Road/SR-79, causing increased delay and queuing of vehicles outside of available storage and into the through traffic lanes, causing a potentially significant traffic safety concern. A potential improvement that could help this situation would be the construction of Keller Road, from Winchester Road/SR-79 to the existing terminus to the west, for vehicles to access the planned Keller Road interchange at I-215. However, the DEIR's analysis of traffic safety hazards requires significant revisions to comply with CEQA.

Public Safety

The City reiterates its concerns contained in its letter of September 22, 2022, which identifies a host of public safety concerns concerning fire services. In addition, it was noted to the Planning Commission at the Project's public hearing on September 18, 2024, that the DEIR lacked sufficient information for the Planning Commission to form an understanding of baseline conditions within

ATTACHMENT 2 TO CITY OF MURRIETA LETTER DATED OCTOBER 21, 2024
REGARDING THE HARVEST VALLEY/ WINCHESTER AREA PLAN
GENERAL PLAN AMENDMENT NO. 1207 AND DRAFT/FINAL ENVIRONMENTAL IMPACT REPORT

the Project area since no description of existing levels of service, available equipment, personnel, facilities or response times were identified (City of Murrieta Development Services Director comments to the Planning Commission on 9/18/24 Project public hearing spoken into the record). The County's primary mitigation approach is to rely on the payment of mitigation fees to build additional fire facilities within the Project area. With the passage of SB 937 (Wiener), which would defer the payment of developer-paid impact fees for fire safety until the completion of construction (occupancy), the County's proposed mitigation for new development will not occur until after new projects are developed resulting in a temporary impact on public safety that may occur for a number of years until adequate fire facilities can be built to mitigate for additional demands on fire services. In the opinion of the City, this issue remains a significant impact that is not disclosed in the Project EIR.



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rickengineering.com

5620 Friars Road
San Diego, CA 92110

October 21, 2024

SUBJECT: TRIP GENERATION COMPARISON – WINCHESTER COMMUNITY PLAN

Table 1
Project Trip Generation Rates

Land Use	Unit	Daily Rate (per unit)	AM Peak Hour			PM Peak Hour		
			Rate	In (% AM)	Out (% AM)	Rate	In (% PM)	Out (% PM)
Single Family Detached Housing (ITE LU 210)	DU	9.44	0.74	25%	75%	0.99	63%	37%
Multifamily Housing (Mid-Rise) (ITE LU 221)	DU	5.44	0.36	26%	74%	0.44	61%	39%

Source: ITE Trip Generation Manual, 10th Edition (2017)
DU = Dwelling Unit

Table 2
Project Trip Generation

Land Use	Size	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
Single Family Detached Housing (ITE LU 210)	1,830 DU	17,275	1,354	338	1,016	1,812	1,142	670
Multifamily Housing (Mid-Rise) (ITE LU 221)	24,400 DU	132,736	8,784	2,284	6,500	10,736	6,549	4,187
Net Difference in Trips		115,461	7,430	1,946	5,484	8,924	5,407	3,517

Source: ITE Trip Generation Manual, 10th Edition (2017)
DU = Dwelling Unit

Brian R. Stephenson



Brian R. Stephenson, P.E., T.E., P.T.O.E.
Associate Principal

RECEIVED RIVERSIDE COUNTY
CLERK/BOARD OF SUPERVISORS

2024 OCT 26 AM 10:31

City of Murrieta
1 Town Square
Murrieta, CA 92562

Clerk of the Board
Riverside County Board of Supervisors
400 Lemon Street, 1st Floor
Riverside, CA 92501



Samuel C. Alhadeff
3 Better World Circle, Suite 100
Temecula, California 92590
Samuel.Alhadeff@lewisbrisbois.com
Direct: 951.252.6152

October 21, 2024

VIA E-MAIL AND HAND DELIVERY

Clerk of the Board
Riverside County Board of Supervisors
4080 Lemon Street
Riverside, CA

Re: Comment on Winchester Community Plan Hearing Set for October 22, 2024

Gentlemen:

We represent T-Street Partners, LLC. The T-Street Partners project site is comprised of two parcels located south of Keller Road, east of Koden Road, west of Elliot Road, north of Ruft Road, and approximately 1,300 feet east of Leon Road: APNs 472-320-013 and 472-320-014. It is a small development but has the ability to increase the number of units per the density discussions we have had with the Transportation Department. They will support an increase in density. We understand that we need to pay an additional traffic-related fee for any units in excess of that allowed by the General Plan or zone of the property. We are prepared to do so,

However, the current Winchester Community Plan is vague as to how this would work and what the fees would be. There is certainly no nexus to increase fees on those units that are allowable under the General Plan and Zoning ordinances. There is a probability if the case can be made by staff that additional fees should be imposed on those units in excess of the number allowed by the General Plan and Zoning of any particular property. I have not seen this information and our question remains as it has for the last few weeks. Please explain to us how the new VMT fee is going to work.

Clerk of the Board
October 21, 2024
Page 2

We have had good discussion with the Transportation Department. We believe the Transportation Department and Planning need to put this together in a way that they both agreed to. So, our comment is simple, while we support the plan in general, we request that this specific issue be resolved between the two departments and a clear-cut guidance be given to applicants.

Very truly yours,



Samuel C. Alhadeff of
LEWIS BRISBOIS BISGAARD & SMITH LLP

SCA:ch