

**CITY OF TEMECULA  
AGENDA REPORT**

**TO:** City Manager/City Council

**FROM:** Luke Watson, Deputy City Manager

**DATE:** October 25, 2022

**SUBJECT:** Receive and File Update Regarding County of Riverside Winchester Community Plan and Recent Development Applications in the Interstate (I-215) Policy Area Related to the 2003 Settlement Agreement and 2005 Cooperative Agreement Between the City of Temecula and County of Riverside

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**PREPARED BY:** Mark Collins, Assistant Planner

**RECOMMENDATION:** That the City Council receive and file the update on the County of Riverside's proposed Winchester Community Plan and recent development applications in the I-215 Policy Area related to an increase of residential density by 33,000 units, traffic impacts, road and freeway mitigation measures, public service infrastructure, compliance with California Environmental Quality Act, and the 2003 Settlement Agreement and the 2005 Cooperative Agreement between the City of Temecula and the County of Riverside, and provide direction to staff.

**BACKGROUND:** The City of Temecula conducts regular external agency reviews of proposed projects, and public meeting agendas from surrounding jurisdictions and governmental agencies to monitor, and comment as necessary. The purpose of these reviews is to ensure that any potential project impacts are addressed. The City has a long history of requiring infrastructure be built before a private development project is constructed. Requiring infrastructure before project construction has been a major contributing factor to the high quality of life in Temecula.

During recent external agency reviews, staff identified several large projects in the County of Riverside that have the potential to cause significant and detrimental impacts to residents and businesses within the City of Temecula, as well as surrounding communities, and the entire region.

Recently identified projects located in the County of Riverside conflict with Riverside County General Plan policies. These Riverside County General Plan policies, (e.g., I-215 Policy Area) were developed as a result of litigation filed by the City of Temecula against the County of Riverside. That litigation specifically resulted in the 2003 Settlement Agreement and 2005 Cooperative Agreements between the County of Riverside and the City of Temecula. After further analysis City staff discovered that the proposed projects failed to comply with the 2003 Settlement

Agreement and 2005 Cooperative Agreement, as well as the California Environmental Quality Act (CEQA).

One of the most alarming discoveries was the potential for one of the proposed projects (the Winchester Community Plan) to add approximately **33,000 additional residential units in the unincorporated areas of Riverside County (I-215 Policy Area) in addition to the existing and previously entitled residential units in the geographic region.** For comparison purposes, it must be noted that the City of Temecula has approximately 36,000 residential units. When analyzing potential mitigation for the Winchester Community Plan project, the mitigation was found to be missing and/or entirely inadequate. Just as concerning, the proposed project's public notices did not include any clear reference to the potential 33,000 units being proposed. The purpose of this update is to ensure that this crucial information is made available to the public and surrounding communities.

## **HISTORY**

As development of Southwest Riverside County continued rapidly during the early 2000's, the open lands north of Temecula were still relatively undeveloped. The County of Riverside had been approving new development projects at a rapid pace. The City recognized that the amount of development that was planned in the County area was clearly out of sequence with the infrastructure in place. Without a clear County plan to fund and construct necessary infrastructure the development of the County approved projects would have resulted in severe traffic circulation problems within the City and the surrounding region.

The City of Temecula has been engaged in a long-term effort to require private development projects within the City boundary build infrastructure to mitigate projects impacts prior to projects being constructed. The City has also allocated and spent significant sums of public funds on traffic and transportation related capital improvement projects. Because the County of Riverside had not been requiring infrastructure prior to development and was not deploying sufficient public resources to mitigate the volume of development that was underway and approved in the late 1990's and early 2000's, the City concluded that without the County of Riverside appropriately addressing the impacts of development in the County area, all of the efforts of the City to strategically plan for and execute orderly development (specially traffic related improvements) would be for not. It was for this reason that the City initiated litigation against the County of Riverside.

The result of the litigation was a Settlement Agreement dated January 14, 2003, and a Cooperative Agreement dated November 14, 2006. Together these agreements required that the County of Riverside construct specific transportation infrastructure projects prior to the issuance building permits within the I-215 Policy Area. The Settlement and Cooperative Agreements also require that the County of Riverside maintain an accounting of all development previously constructed and projects under review as well as the progress of infrastructure projects outlined in the Settlement and Cooperative Agreements. The City has not received a response to repeated written request to County staff, including but not limited to correspondence dated September 6<sup>th</sup> and 23<sup>rd</sup>

of this year as well as two requests dated October 13, 2022, in which the City requested a full accounting of development activity, residential units constructed, and infrastructure completed.

### **Proposed Winchester Community Plan**

The Winchester Community Plan Draft Programmatic Environmental Impact Report (PEIR) was discovered by Staff on August 12, 2022. Staff completed an initial review of the document and found it to be woefully inadequate as an informational document, key information necessary to allow for meaningful analysis of the impacts was excluded or omitted. Staff has a multitude of serious concerns about the PEIR as detailed in Exhibit D.

The City's primary concern is the incomplete and undecipherable project description, 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. Without a stable, clear and concise project description as required by CEQA Guidelines Section 15124, the City cannot perform meaningful environmental analysis.

The project would result in Significant and unavoidable impacts to Air Quality and Greenhouse Gas Emissions with the PEIR analysis concluding that "no mitigation measures are required" and appears to circumvent the required mitigation efforts of CEQA by relying on a statement of overriding consideration. Additionally, the PEIR concludes that there will be Significant and Unavoidable Impacts to: Noise and Vibration, Transportation, and Agriculture and Forestry Services all of which the City cannot analyze accurately due to the lacking project description, but again the County is relying on a statement of overriding consideration.

### **Additional County Development Projects**

In addition to the Winchester Community Plan, the City has noted increased development in the I-215 Policy Area that seemingly violate the Settlement and Cooperative Agreements and CEQA, the City has provided comment letters accordingly.

Specifically:

- General Plan Amendment (GPA) No. 210001, Change of Zone No. 2100002, Tentative Tract Map No. 38034 and Plot Plan No. 210002
  - An application to amend the General Plan and change the zoning designation (increase in density) utilizing a "density swap" mechanism to approve a 54-lot residential subdivision
- Pre-Application Review No. 220073
  - An application for 2 industrial buildings totaling >400,000 square feet just north of Murrieta Hot Springs Road, within the City's Sphere of Influence (SOI)

- Pre-Application Review No. 220074
  - An application for phase 1 a commercial shopping center totaling approx. 46,000 square feet

## **Conclusion**

In developing the Winchester Community Plan and Draft PEIR the County has completely ignored its obligations under the Settlement and Cooperative Agreements. The development already approved and contemplated under the proposed Winchester Community Plan and other proposed development projects will directly result in adverse traffic impacts upon the City, the Winchester Community Plan Area and the cities surrounding the Winchester Community Plan Area (Murrieta, Menifee, Wildomar, Lake Elsinore, Canyon Lake, Hemet, Perris). 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 (as required by the Settlement and Cooperative Agreement) nor come up with a traffic mitigation plan for the additional 33,000 residential units in the new Winchester Community Plan.

The City of Temecula is seriously concerned that the nature of development and the seemingly blind eye turned toward the requirements of CEQA and the Settlement and Cooperative Agreements will result in dramatic traffic impacts to the City and surrounding communities from which the region may never recover. If development in the I-215 Policy area were allowed to continue unmitigated, the negative impacts to the Quality of Life enjoyed by the residents of Temecula would be forever altered and decades of proactive and strategic transportation planning work and infrastructure construction completed by the City would be entirely undermine.

**FISCAL IMPACT:** The fiscal impacts cannot be easily calculated due to the indecipherable project description, omission of land use tables, outdated assumptions and modeling software. However, the impacts would be substantial in both transportation facility expansion and increased maintenance costs. Currently there is no identified funding for transportation facility construction or maintenance associated with the inevitable impacts of the proposed County of Riverside development projects.

## **ATTACHMENTS:**

1. Exhibit A - Cooperative Agreement
2. Exhibit B - Amendment No. 1 to the Cooperative Agreement
3. Exhibit C - Settlement Agreement
4. Exhibit D - Winchester Community Plan Draft Programmatic Environmental Impact Report Letter dated September 23, 2022